

## SCHEDULE 4

(introduced by section 147)

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Employment and Training Act 1973 (c. 50)*

- 1 (1) The Employment and Training Act 1973 is amended as follows.
- (2) In section 8 (careers services), in subsection (4), for paragraph (a) substitute—
  - “(a) as respects Wales as references to a tertiary education provider registered under section 25 of the Tertiary Education and Research (Wales) Act 2022 to provide higher education, other than a provider which is also an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992) or a school (within the meaning given by section 4 of the Education Act 1996), and”.

#### *Education (Fees and Awards) Act 1983 (c. 40)*

- 2 (1) The Education (Fees and Awards) Act 1983 is amended as follows.
- (2) In section 1 (fees at universities, further education institutions etc.), in subsection (3) —
  - (a) omit paragraph (ee);
  - (b) in paragraph (g), for “National Assembly for Wales” substitute “Welsh Ministers or the Commission for Tertiary Education and Research”.

#### *Education (No. 2) Act 1986 (c. 61)*

- 3 (1) The Education (No. 2) Act 1986 is amended as follows.
- (2) In section 43 (freedom of speech in universities, etc.)—
  - (a) in subsection (5), for paragraph (aa) substitute—
    - “(aa) a tertiary education provider registered under section 25 of the Tertiary Education and Research (Wales) Act 2022 to provide higher education, other than an institution within paragraph (a) or (ba) or a school;”;
  - (b) in subsection (6), for paragraph (b) substitute—
    - “(b) in relation to an institution in Wales within the higher education sector or the further education sector 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;”.

#### *Employment Act 1988 (c. 19)*

- 4 (1) The Employment Act 1988 is amended as follows.
- (2) In section 26 (status of trainees etc.), in subsection (1A), for “under section 34(1) (c) of the Learning and Skills Act 2000” substitute “or the Commission for Tertiary Education and Research under section 97(1)(d) or (e) of the Tertiary Education and Research (Wales) Act 2022”.

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*Education Reform Act 1988 (c. 40)*

- 5 (1) The Education Reform Act 1988 is amended as follows.
- (2) In section 120 (powers of local authorities with respect to higher education), after subsection (4) insert—
- “(4A) In exercising its powers under subsection (3) a local authority must have regard to the Commission for Tertiary Education and Research’s strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (3) In section 124B (accounts), in subsection (2)(b), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.
- (4) In section 129 (designation of institutions)—
- (a) in subsection (1)—
- (i) for “the Secretary of State” substitute “the Welsh Ministers”;
- (ii) for “as an institution eligible to receive support from funds administered by the Higher Education Funding Council for Wales” substitute “for the purposes of this section”;
- (iii) in paragraph (a) for “him” substitute “them”;
- (iv) in paragraphs (a) and (b) after “institution” insert “in Wales”;
- (b) in subsection (5)(d), for “the Secretary of State” substitute “the Welsh Ministers”.
- (5) In section 133 (payments in respect of persons employed in the provision of higher or further education), in subsection (1)—
- (a) for “and the Higher Education Funding Council for Wales each have” substitute “has”;
- (b) for “they think” substitute “it thinks”;
- (c) in paragraph (a) for “their” substitute “its”.
- (6) In section 198 (transfers), in subsection (5), for “the higher education funding council” substitute “the Commission for Tertiary Education and Research”.
- (7) In Schedule 7 (higher education corporations in Wales established before the appointed day), in paragraph 18(2)(b), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

*Further and Higher Education Act 1992 (c. 13)*

- 6 (1) The Further and Higher Education Act 1992 is amended as follows.
- (2) In section 49B (destination information)—
- (a) in subsection (2) for “The Welsh Ministers” substitute “The Commission for Tertiary Education and Research”;
- (b) in subsection (4) for “the Welsh Ministers” in the first place where it occurs substitute “the Commission for Tertiary Education and Research”.
- (3) Omit—
- (a) section 57 (intervention: Wales);

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- (b) section 62 (establishment of the Higher Education Funding Council for Wales);
  - (c) section 65 (administration of funds by the HEFCW);
  - (d) section 66 (administration of funds: supplementary);
  - (e) section 68 (grants to the HEFCW);
  - (f) section 69 (supplementary functions);
  - (g) section 79 (duty to give information to HEFCW);
  - (h) section 81 (directions).
- (4) In section 83 (efficiency studies), in the table in subsection (1B) omit the entries for “the Welsh Ministers” and “the HEFCW”.
- (5) In section 91 (interpretation)—
- (a) omit subsection (4);
  - (b) in subsection (5)—
    - (i) for paragraphs (a) and (aa) substitute—
      - “(a) tertiary education providers registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022, other than providers that are also institutions within the further education sector or schools,”;
    - (ii) in paragraph (b) after “in Wales” insert “, other than ones falling within paragraph (a),”;
    - (iii) in paragraph (c) after “Act)” insert “, other than institutions falling within paragraph (a),”;
  - (c) omit subsection (5A).
- (6) In section 92 (index), omit the entries for “the HEFCW” and “institution in Wales (in relation to the HEFCW)”.
- (7) Omit Schedule 1 (the Further and Higher Education Funding Councils).

*Education Act 1994 (c. 30)*

- 7 (1) The Education Act 1994 is amended as follows.
- (2) In section 18 (power to reimburse certain payments to persons formerly employed in teacher training)—
- (a) in subsection (1)—
    - (i) omit “or the Higher Education Funding Council for Wales”;
    - (ii) for “they think” substitute “it thinks”;
  - (b) in subsection (4)—
    - (i) omit “or (as the case may be) the Higher Education Funding Council for Wales”;
    - (ii) for “they” substitute “it” and for “their” substitute “its”.
- (3) In section 18C (inspection of teacher training in Wales)—
- (a) in subsection (3) for paragraph (b) substitute—
    - “(b) the Commission for Tertiary Education and Research, or”;
  - (b) in subsection (12) omit paragraph (b).

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- (4) In section 21 (establishments to which Part 2 on students' unions applies)—
- (a) in subsection (1)—
    - (i) in paragraph (a) for “section 65 of the Further and Higher Education Act 1992” substitute “section 88 of the Tertiary Education and Research (Wales) Act 2022”;
    - (ii) in paragraph (b) for “that Act” substitute “the Further and Higher Education Act 1992”;
    - (iii) in paragraph (c) omit “as eligible to receive support from funds administered by a higher education funding council”;
    - (iv) after paragraph (d) insert—
      - “(da) any institution in Wales designated under section 28 of the Further and Higher Education Act 1992;”.
  - (b) in subsection (2A) for “has the meaning given by section 62(7) of the Further and Higher Education Act 1992” substitute “means an institution whose activities are wholly or mainly carried out in Wales”.

#### *Education Act 1996 (c. 56)*

- 8 (1) The Education Act 1996 is amended as follows.
- (2) In section 13 (general responsibility for education), in subsection (2) for paragraphs (aa) and (b) substitute—
- “(ba) the Commission for Tertiary Education and Research, or”.
- (3) In section 15A (local authority powers in respect of education and training for 16 to 18 year olds), after subsection (3) insert—
- “(3A) In exercising its functions under this section a local authority in Wales must also have regard to the Commission for Tertiary Education and Research's strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (4) In section 15B (local authority powers in respect of education for persons over 19), after subsection (3)(b) insert—
- “(c) a local authority in Wales must also have regard to the Commission for Tertiary Education and Research's strategic plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”
- (5) Omit section 484 (education standard grants).
- (6) In section 489 (conditions as to payment of grants)—
- (a) in subsection (1) for “under any of sections 484 to 488” substitute “section 485”;
  - (b) omit subsection (2);
  - (c) in the heading for “sections 484 to 488” substitute “section 485”.
- (7) In section 508 (local authority functions in respect of facilities for recreation and social and physical training), after subsection (3) insert—
- “(4) In exercising its functions under this section a local authority must have regard to the Commission for Tertiary Education and Research's strategic

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plan approved under section 15 of the Tertiary Education and Research (Wales) Act 2022.”

- (8) In section 530 (compulsory purchase of land), in subsection (3) in paragraph (b) omit “(including that paragraph as applied by section 76(3) of that Act)”.
- (9) In section 580 (index), omit the entry for “grants for education support and training”.
- (10) In Schedule 36A (education functions of local authorities), in the table in paragraph 2 in the entry for the Learning and Skills Act 2000—
  - (a) in the entry for section 33J, for “Welsh Ministers” substitute “the Commission for Tertiary Education and Research”;
  - (b) omit the entry for section 83;
  - (c) omit the entry for section 84;
  - (d) omit the entry for Schedules 7 and 7A.

#### *Education Act 1997 (c. 44)*

- 9 (1) The Education Act 1997 is amended as follows.
- (2) In Part 6, in the heading to Chapter 1, after “AUTHORITIES”, insert “IN WALES”.
  - (3) In section 38 (inspection of local authorities)—
    - (a) in subsection (1)—
      - (i) in paragraph (b), for “the Secretary of State” substitute “the Welsh Ministers or the Commission for Tertiary Education and Research (“the Commission”)”;
      - (ii) after “authority”, insert “in Wales”;
    - (b) after subsection (2A) insert—

“(2B) Where the Commission has made a request under subsection (1) (b), the review mentioned in subsection (2A) is to be of the way that the local authority is performing the functions mentioned in subsection (2A)(a) and (b) in so far as those functions relate to further education and training within the meaning of section 144(2) to (5) of the Tertiary Education and Research (Wales) Act 2022.”;
    - (c) in subsection (3), for “the Secretary of State” substitute “the Welsh Ministers or the Commission”;
    - (d) in subsection (4), for “the Secretary of State” substitute “the Welsh Ministers or the Commission”;
    - (e) in subsection (6), after “authority”, insert “in Wales”;
    - (f) in the heading, after “authorities”, insert “in Wales”.
  - (4) In section 39 (report of inspection of local authority and action plan), in subsection (1)—
    - (a) omit the “and” at the end of paragraph (a);
    - (b) for paragraph (b) substitute—
      - “(b) the Welsh Ministers, and
      - (c) where the matters reviewed relate to further education and training within the meaning of section 144(2) to (5) of the Tertiary Education and Research (Wales) Act 2022, the Commission for Tertiary Education and Research.”

*Teaching and Higher Education Act 1998 (c. 30)*

- 10        Omit section 27 of the Teaching and Higher Education Act 1998 (expenditure eligible for funding).

*School Standards and Framework Act 1998 (c. 31)*

- 11        (1) The School Standards and Framework Act 1998 is amended as follows.
- (2) In section 49 (maintained schools to have delegated budgets), in subsection (6), in paragraph (b) omit “section 75(2)(b) of,”.
- (3) In Part 1 of Schedule 22 (disposals of land: foundation and voluntary schools in Wales)—
- (a) in paragraph 1, in sub-paragraph (1)(aa) omit “, under that paragraph as applied by section 76(1) of that Act”;
  - (b) in paragraph 2, in sub-paragraph (1)(aa) omit “, under either of those paragraphs as applied by section 76(1) or (3) of that Act”;
  - (c) in paragraph 2A, in sub-paragraph (1)(aa) omit “, under that paragraph as applied by section 76(1) of that Act”;
  - (d) in paragraph 3, in sub-paragraph (1)(aa) omit “, under those paragraphs as applied by section 76(1) or (3) of that Act”.
- (4) In Schedule 30 (minor and consequential amendments), omit paragraphs 125 and 126.

*Government of Wales Act 1998 (c.38)*

- 12        (1) The Government of Wales Act 1998 is amended as follows.
- (2) In section 145B (studies in relation to educational bodies)—
- (a) in subsection (1), in the Table—
    - (i) in the entry for the governing body of an institution in Wales within the higher education sector, in the second column, for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”;
    - (ii) omit the entry for a governing body receiving financial support under section 86 of the Education Act 2005;
    - (iii) in the entry for a governing body of an institution in Wales within the further education sector, in the second column, for “or the Assembly” substitute “, the Commission or the Welsh Ministers”;
  - (b) in subsection (4), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research” and for “the council” substitute “the Commission”.
- (3) In Part 3 of Schedule 4 (bodies subject to reform), omit paragraph 16.
- (4) In Part 1 of Schedule 17 (bodies subject generally to audit etc. provisions)—
- (a) in paragraph 1 omit “or III”;
  - (b) after paragraph 11 insert—
 

“11A        The Commission for Tertiary Education and Research.”

*Care Standards Act 2000 (c. 14)*

- 13 (1) The Care Standards Act 2000 is amended as follows.
- (2) In Schedule 2A (persons subject to review by the Children’s Commissioner for Wales)—
- (a) for paragraph 7, substitute—
- “7 Any tertiary education provider (other than one within paragraph 5, 6, 8 or 9) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022.”
- (b) after paragraph 8 insert—
- “8A The Commission for Tertiary Education and Research.”
- (3) In Schedule 2B (persons whose arrangements are subject to review by the Children’s Commissioner for Wales), after paragraph 10 insert—
- “11 The Commission for Tertiary Education and Research.”

*Learning and Skills Act 2000 (c. 21)*

- 14 (1) The Learning and Skills Act 2000 is amended as follows.
- (2) Omit sections 31 to 33 (main duties in relation to post 16 education and training).
- (3) In section 33A (formation of local curricula for students aged 16 to 18)—
- (a) in subsection (1) for “The Welsh Ministers” substitute “The Commission”;
- (b) in subsection (2)(b) for “the Welsh Ministers” substitute “the Commission”.
- (4) In section 33B (local curricula: Welsh language) for “The Welsh Ministers” substitute “The Commission” and for “their” substitute “its”.
- (5) In section 33C (areas with more than one local curriculum)—
- (a) in subsection (1) for “the Welsh Ministers form” substitute “the Commission forms”;
- (b) in subsection (2) for “the Welsh Ministers” substitute “the Commission”.
- (6) In section 33D (determination of a pupil’s relevant school or institution), after subsection (3) insert—
- “(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”
- (7) In section 33E (pupils’ choice of local curriculum courses)—
- (a) after subsection (3) insert—
- “(3A) The Welsh Ministers must consult the Commission before making regulations under subsection (3).”;
- (b) in subsection (4) for “the Welsh Ministers have” in each place substitute “the Commission has”.
- (8) In section 33G (head teacher’s or principal’s decision as to entitlement), after subsection (5) insert—

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- “(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (9) In section 33I (head teacher’s or principal’s decision to remove entitlement), after subsection (5) insert—
- “(6) The Welsh Ministers must consult the Commission before making regulations under subsection (3), giving guidance under subsection (4) or making an order under subsection (5).”
- (10) In section 33J (planning the local curriculum)—
- (a) in subsection (1) for “the Welsh Ministers” substitute “the Commission”;
  - (b) in subsection (2) for “the Welsh Ministers decide” substitute “the Commission decides”;
  - (c) omit subsections (3) and (4).
- (11) In section 33K (delivery of local curriculum entitlements: joint working), in subsection (6) for “the Welsh Ministers have” in each place substitute “the Commission has”.
- (12) In section 33L (joint working: guidance and directions), after subsection (2) insert—
- “(2A) The Welsh Ministers must consult the Commission before giving guidance under subsection (1).”
- (13) In section 33M (power to amend learning domains), the existing text becomes subsection (1) and after that subsection insert—
- “(2) The Welsh Ministers must consult the Commission before making an order under subsection (1).”
- (14) In section 33N (the local curriculum: interpretation), in subsection (1)—
- (a) for “33L” substitute “33M”;
  - (b) after the definition of “academic year” insert—
 

““the Commission” means the Commission for Tertiary Education and Research;”.
- (15) In section 33O (local curriculum: directions), omit “, 33J(3)”.
- (16) In section 33P (application of local curriculum provisions to students who are registered pupils of special schools or who have additional learning needs)—
- (a) in subsection (1) after “Regulations” insert “made by the Welsh Ministers”;
  - (b) after subsection (3) insert—
 

“(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (17) In section 33Q (application of local curriculum provisions to institutions within the higher education sector)—
- (a) in subsection (1) after “Regulations” insert “made by the Welsh Ministers”;
  - (b) after subsection (3) insert—



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- “(4) The Welsh Ministers must consult the Commission for Tertiary Education and Research before making regulations under subsection (1).”
- (18) Omit sections 34 to 38 (main powers).
- (19) In section 40 (research and information), omit subsections (5) and (6).
- (20) Omit section 41 (persons with additional learning needs).
- (21) In section 73 (inspectors of education and training in Wales), omit subsections (1) and (2).
- (22) In section 74 (defined terms), in subsection (2) for “the person mentioned in section 73(1)” substitute “Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru”.
- (23) Omit sections 75 to 80 and 83 to 88 (inspections in Wales).
- (24) In section 125 (consultation in connection with provision of youth support services), in subsection (2), after paragraph (a) insert—  
“(aa) consult the Commission for Tertiary Education and Research,”.
- (25) In section 126 (educational institutions: information and access), in subsection (3) in paragraph (f) for “National Assembly for Wales in the discharge of its functions under Part 2” substitute “Commission for Tertiary Education and Research under section 97 or 104 of the Tertiary Education and Research (Wales) Act 2022”.
- (26) In section 138 (Wales: provision of information by public bodies), in subsection (3) after paragraph (c) insert—  
“(ca) the Commission for Tertiary Education and Research;”.
- (27) In section 144 (designated institutions: disposal of land, etc.)—  
(a) in subsection (4A), in paragraph (b) for “the Welsh Ministers” substitute “the Commission for Tertiary Education and Research”;  
(b) in subsection (9), in paragraph (b) for “the National Assembly for Wales” substitute “the Commission for Tertiary Education and Research”.

#### *Education Act 2002 (c. 32)*

- 15 (1) The Education Act 2002 is amended as follows.
- (2) In section 18 (repeal of specific grant-making powers), omit subsection (2).
- (3) In section 28A (power of governing body to provide higher education), in subsection (3) for “The National Assembly for Wales” substitute “The Commission for Tertiary Education and Research”.
- (4) In section 140 (further education: general)—  
(a) in subsection (3), in the definition of “higher education institution”, for “section 65 of the [Further and Higher Education Act 1992 \(c. 13\)](#) (administration of funds by higher education funding councils)” substitute “section 88 of the Tertiary Education and Research (Wales) Act 2022”;  
(b) omit subsections (4) and (5).

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- (5) In section 145 (specification of qualification or course), in subsections (1)(c) and (3) for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.
- (6) In section 178 (training and education provided in the workplace for 14 to 16 year olds), omit subsections (1) and (4).
- (7) In Schedule 21 (minor and consequential amendments), omit paragraphs 49 and 125.

#### *Higher Education Act 2004 (c. 8)*

- 16 (1) The Higher Education Act 2004 is amended as follows.
- (2) In section 11 (qualifying institutions), in subsection (1) (as renumbered by section 128(2)(a)), in paragraph (a) for “section 65 of the 1992 Act” substitute “Part 3 of the Tertiary Education and Research (Wales) Act 2022”.
  - (3) In section 20A (institutions that cease to be qualifying institutions), in subsection (4) for “section 11” substitute “subsection (1) of section 11, or a qualifying institution specified in regulations made under subsection (2) of that section,”.

#### *Children Act 2004 (c. 31)*

- 17 (1) The Children Act 2004 is amended as follows.
- (2) In section 25 (co-operation to improve well-being: Wales), in subsection (4) for paragraph (f) substitute—  
“ (f) the Commission for Tertiary Education and Research;”.
  - (3) In section 29 (information databases), in subsection (7) for paragraph (b) substitute—  
“ (b) the Commission for Tertiary Education and Research;”.

#### *Education Act 2005 (c. 18)*

- 18 (1) The Education Act 2005 is amended as follows.
- (2) In section 20 (functions on Chief Inspector), in subsection (7) for “which is brought within the remit of the Chief Inspector by Part 4 of the [Learning and Skills Act 2000 \(c. 21\)](#)” substitute “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
  - (3) In section 24 (power of Chief Inspector to arrange for inspections), in subsection (6) for “brought within the remit of the Chief Inspector by Part 4 of the [Learning and Skills Act 2000 \(c. 21\)](#)” substitute “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
  - (4) In section 28 (duty to arrange regular inspections of certain schools), in paragraph (b) of subsection (7) for “which is brought within the remit of the Chief Inspector by Part 4 of the [Learning and Skills Act 2000 \(c. 21\)](#)” substitute “to which the functions of the Chief Inspector under Part 2 of the Tertiary Education and Research (Wales) Act 2022 apply”.
  - (5) In section 44C (report after area inspection on schools with sixth forms requiring significant improvement), in subsection (1) for “section 83 of the Learning and Skills

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Act 2000” substitute “section 63 of the Tertiary Education and Research (Wales) Act 2022”.

- (6) In section 44D (copies of report and action plan), in subsection (3)—
  - (a) for “paragraph” substitute “section”;
  - (b) in paragraph (a), for “38(2)” substitute “38(3)”.
- (7) In section 44E (report on sixth form schools causing concern after area inspection), in subsection (1) for “section 83 of the Learning and Skills Act 2000” substitute “section 63 of the Tertiary Education and Research (Wales) Act 2022”.
- (8) Omit sections 85 to 91 (Higher Education Funding Council for Wales’ functions in relation to teacher training).
- (9) In section 92 (joint exercise of functions)—
  - (a) in subsection (1) omit “, HEFCW”;
  - (b) in subsection (2) omit “or the Assembly to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000”;
  - (c) omit subsection (4).
- (10) In section 93 (efficiency studies)—
  - (a) in subsection (1) omit “and HEFCW”;
  - (b) in subsection (2) omit “or HEFCW”;
  - (c) in subsection (3) omit paragraph (b) and the “or” preceding it.
- (11) In section 94 (provision of information)—
  - (a) omit subsections (1) and (2);
  - (b) in subsection (3) omit paragraph (b);
  - (c) in subsection (4), in paragraph (a) omit “, a grant, loan or other payment under section 86, or”.
- (12) Omit section 97 (institutions of a denominational character).
- (13) In section 100 (interpretation of Part 3)—
  - (a) in subsection (1) omit the definitions of “the Chief Inspector for Wales”, “denominational character”, “governing body” and “HEFCW”;
  - (b) omit subsection (2).
- (14) In Schedule 9 (amendments relating to school inspection), omit paragraphs 24 and 25.
- (15) In Schedule 18 (further amendments), omit paragraph 13.

*Commissioner for Older People (Wales) Act 2006 (c. 30)*

- 19 (1) The Commissioner for Older People (Wales) Act 2006 is amended as follows.
- (2) In Schedule 2 (persons whose functions are subject to review under section 3), under the sub-heading “Education and training”—
  - (a) for “The Higher Education Funding Council for Wales” substitute “The Commission for Tertiary Education and Research”;
  - (b) for “an institution in Wales falling within section 91(5)(a) of the [Further and Higher Education Act 1992 \(c. 13\)](#)” substitute “a tertiary education provider (other than one mentioned elsewhere in this Schedule) that is registered in a

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category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022”.

- (3) In Schedule 3 (persons whose arrangements are subject to review under section 5), under the sub-heading “Education and training”, for “an institution in Wales falling within section 91(5)(a) of the [Further and Higher Education Act 1992 \(c. 13\)](#)” substitute “a tertiary education provider (other than one mentioned elsewhere in this Schedule) that is registered in a category specified in regulations made for the purposes of section 88 or 105 of the Tertiary Education and Research (Wales) Act 2022”.

#### *Government of Wales Act 2006 (c. 32)*

- 20 (1) The Government of Wales Act 2006 is amended as follows.
- (2) In section 148 (meaning of Welsh public records), in subsection (2)—
- (a) after paragraph (a), insert—
 

“(aa) the Commission for Tertiary Education and Research;”;
  - (b) omit paragraph (h).
- (3) In Schedule 11 (transitional provisions), in paragraph 35, in sub-paragraph (4), in Table 2—
- (a) omit the entries relating to sections 77(4) and 83(7) of the Learning and Skills Act 2000;
  - (b) in the entry relating to section 128(4)(b) of the Learning and Skills Act 2000 for “that Act” substitute “the [Learning and Skills Act 2000 \(c. 21\)](#)”;
  - (c) omit the entries relating to sections 85(3)(d), 90(1), 91(1), 92(4) and 100(2) of the Education Act 2005.

#### *Safeguarding Vulnerable Groups Act 2006 (c. 47)*

- 21 (1) The Safeguarding Vulnerable Groups Act 2006 is amended as follows.
- (2) In Schedule 4 (regulated activities relating to children), in paragraph 1, after sub-paragraph (9B)(i) insert—
- “(ia) an inspection under section 57, 58, 59, 60 or 63 of the Tertiary Education and Research (Wales) Act 2022 (inspection of further education and training, etc. by Her Majesty’s Chief Inspector of Education and Training in Wales);”.
- (3) In Schedule 7, in paragraph 1, in the table, in entry 18, for “section 34(1) of the [Learning and Skills Act 2000 \(c. 21\)](#)” substitute “section 88(1) or (2), 89(3), 92(1), 97(1) or (7), 103(1) or (2), 104(1)(a) or 136(1) of the Tertiary Education and Research (Wales) Act 2022”.

#### *Education and Skills Act 2008 (c. 25)*

- 22 (1) The Education and Skills Act 2008 is amended as follows.
- (2) In section 66 (interpretation), in subsection (1), in the definition of “apprenticeship agreement”—

- (a) omit the words “an apprenticeship agreement within the meaning given in section 32 of the Apprenticeships, Skills, Children and Learning Act 2009 or”;
  - (b) for “that Act” substitute “the Apprenticeships, Skills, Children and Learning Act 2009”.
- (3) In section 91 (information: supplementary), in subsection (3) after paragraph (b) insert—
- “(c) the Commission for Tertiary Education and Research.”

*Learner Travel (Wales) Measure 2008 (nawm 2)*

- 23 (1) The Learner Travel (Wales) Measure 2008 is amended as follows.
- (2) In section 1 (main terms used in the Measure), in subsection (4)(g) for “the Welsh Ministers under section 34(1) of the [Learning and Skills Act 2000 \(c. 21\)](#)” substitute “the Commission for Tertiary Education and Research or the Welsh Ministers under section 97 of the Tertiary Education and Research (Wales) Act 2022”.
- (3) In section 7 (travel arrangements for learners in post-16 education or training)—
- (a) in subsection (1)(b)(ii) after “funded by” insert “the Commission for Tertiary Education and Research or”;
  - (b) in subsection (3)(a) before sub-paragraph (i) insert—  
“(ai) the Commission for Tertiary Education and Research;”.

*Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)*

- 24 (1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.
- (2) Omit—
- (a) section 2 (meaning of completing Welsh apprenticeship);
  - (b) sections 7 to 12 (apprenticeship certificates and frameworks);
  - (c) sections 18 to 22 (apprenticeship frameworks);
  - (d) sections 28 to 36 (apprenticeship standards and agreements);
  - (e) sections 38 and 39 (apprenticeship sectors and interpretation).
- (3) In section 262 (orders and regulations), in subsection (9), omit “under Chapter 1 of Part 1 (other than an order under section 10) or”.

*Learning and Skills (Wales) Measure 2009 (nawm 1)*

- 25 (1) The Learning and Skills (Wales) Measure 2009 is amended as follows.
- (2) Omit section 21 (education and training for persons aged 16 to 18).
- (3) In section 43 (the learning pathway document), after subsection (6) insert—
- “(7) The Welsh Ministers must consult the Commission for Tertiary Education and Research before giving guidance under subsection (6).”
- (4) In the Schedule (minor and consequential amendments), omit paragraphs 1 to 9.

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

Equality Act 2010 (c. 15)

- 26 (1) The Equality Act 2010 is amended as follows.
- (2) In Schedule 26 (amendments), omit paragraph 23.

Children and Families (Wales) Measure 2010 (nawm 1)

- 27 In section 6 of the Children and Families (Wales) Measure 2010 (meaning of Welsh authority), in subsection (1)(g), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

Welsh Language (Wales) Measure 2011 (nawm 1)

- 28 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc), in the table under the heading “General”—
  - (a) insert at the appropriate place—

“TABLE 1

The Commission for Tertiary Education and Research (“Y Comisiwn Addysg Drydyddol ac Ymchwil”)	Service delivery standards
	Policy making standards
	Operational Standards
	Record keeping standards”

- (b) omit the entry relating to the Higher Education Funding Council for Wales.

School Standards and Organisation (Wales) Act 2013 (anaw 1)

- 29 (1) The School Standards and Organisation (Wales) Act 2013 is amended as follows.
- (2) In section 1 (overview)—
  - (a) after subsection (9) insert—
    - “(9A) Chapter 3A provides for powers for the Commission for Tertiary Education and Research to restructure sixth form education.”;
  - (b) omit subsection (11).
- (3) In section 38 (school organisation code)—
  - (a) in subsection (2), after paragraph (c) insert—
    - “(ca) the Commission for Tertiary Education and Research;”;
  - (b) in subsection (5), at the end of paragraph (c) omit “or” and after that paragraph insert—
    - “(ca) the Commission for Tertiary Education and Research, or”.
- (4) In section 39 (making and approval of school organisation code), in subsection (1), at the end of paragraph (c) omit “and” and after that paragraph insert—
  - “(ca) the Commission for Tertiary Education and Research, and”.

- (5) In section 50 (approval by Welsh Ministers), in subsection (1) after “education” insert “and an objection has been made to the proposals in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period”.
- (6) In section 61 (local inquiry into proposals)—
  - (a) in subsection (4) for “70 and 73” substitute “63F, 63G and 70”;
  - (b) in subsection (6) in paragraph (d) for “68 or 71” substitute “63C or 68”;
  - (c) in subsection (8) for “the direction under section 57(2)” substitute “a direction under section 57(2) or 63A(1)”;
  - (d) in subsection (9)—
    - (i) in paragraph (a) for “70 or 73” substitute “63F or 70”;
    - (ii) in paragraph (b) after “53” insert “or 63G”.
- (7) After section 63 insert—

### “CHAPTER 3A

#### PROPOSALS FOR RESTRUCTURING SIXTH FORM PROVISION

##### **63A Directions by the Commission to make sixth form proposals**

- (1) The Commission may, in accordance with the Code—
  - (a) direct a local authority to exercise its powers to make proposals to—
    - (i) establish or discontinue a school providing education suitable only to the requirements of persons over compulsory school age, or
    - (ii) make an alteration described in Schedule 2 to a school, the effect of which would be that provision of education suitable to the requirements of persons over compulsory school age at the school increases or decreases.
  - (b) direct the governing body of a foundation or voluntary school to exercise its powers to make an alteration described in Schedule 2 to a school, the effect of which would be that provision of education suitable to the requirements of persons over compulsory school age at the school increases or decreases.
- (2) A direction under subsection (1) must—
  - (a) require the proposals to be published no later than the date specified in the direction, and
  - (b) require the proposals, in giving effect to the direction, to apply any principles specified in it.

##### **63B Further provision about proposals made after a direction under section 63A(1)**

- (1) Proposals made in accordance with a direction under section 63A(1) may not be withdrawn without the consent of the Commission.

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- (2) The Commission may give consent for the purposes of subsection (1) subject to conditions.
- (3) A local authority must reimburse expenditure reasonably incurred by a governing body of a school maintained by it in making proposals in accordance with a direction under section 63A(1).
- (4) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), a local authority must meet the cost of implementing proposals made by a governing body of a school maintained by it in accordance with a direction under section 63A(1) which have been approved or determined to be implemented.

### **63C Making of proposals by the Commission**

- (1) This section applies where—
  - (a) the Commission has made a direction under section 63A(1), and
  - (b) either—
    - (i) proposals have been published in accordance with the direction, or
    - (ii) the time allowed under the direction for the publication of the proposals has expired.
- (2) The Commission may make any proposals that could have been made in accordance with the direction.
- (3) But the Commission must obtain the consent of the Welsh Ministers before making a proposal to make an alteration described in paragraph 6 of Schedule 2 (opening or closing a school's sixth form) to a voluntary or foundation school.
- (4) Where the Commission makes proposals under this section, any proposals that have been made by a local authority or governing body and published in accordance with the direction are to be treated as having been withdrawn.

### **63D Publication of Commission's proposals and consultation**

- (1) The Commission must publish proposals made under section 63C in accordance with the Code.
- (2) Before publishing proposals made under section 63C, the Commission must consult on its proposals in accordance with the Code.
- (3) The requirement to consult does not apply to proposals to discontinue a school which is a small school within the meaning given by section 56.
- (4) Before the end of 7 days beginning with the day on which they were published, the Commission must send copies of the published proposals to—
  - (a) the Welsh Ministers,
  - (b) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate, and
  - (c) the governing body (if any) of the school to which the proposals relate.



- (5) The Commission must publish a report on the consultation it has carried out in accordance with the Code.

### **63E Objections to the Commission’s proposals**

- (1) Any person may object to proposals published under section 63D.
- (2) Objections must be sent in writing to the Commission before the end of 28 days beginning with the day on which the proposals were published (“the objection period”).
- (3) The Commission must publish a summary of all objections made in accordance with subsection (2) (and not withdrawn) and its response to those objections before the end of 28 days beginning with the end of the objection period.

### **63F Approval by Welsh Ministers**

- (1) Proposals published by the Commission under section 63D require approval under this section if an objection has been made in accordance with section 63E(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period.
- (2) Where proposals require approval under this section, the Commission must send a copy of the documents listed in subsection (3) to the Welsh Ministers before the end of 35 days beginning with the end of the objection period.
- (3) The documents are—
- (a) the report published under section 63D(5),
  - (b) the published proposals,
  - (c) any objections made in accordance with section 63E(2) (and not withdrawn), and
  - (d) where objections have been so made (and not withdrawn), the response published under section 63E(3).
- (4) Where proposals require approval under this section, the Welsh Ministers may—
- (a) reject the proposals,
  - (b) approve them without modification, or
  - (c) approve them with modifications—
    - (i) after obtaining the consent of the Commission to the modifications, and
    - (ii) after consulting the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate and the governing body (if any) of the school to which the proposals relate.
- (5) An approval may be expressed to take effect only if an event specified in the approval occurs by a date so specified.
- (6) The Welsh Ministers may, at the request of the Commission, specify a later date by which the event referred to in subsection (5) is to occur.

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

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- (7) Subsection (1) does not prevent proposals from being withdrawn by notice in writing given by the Commission to the Welsh Ministers at any time before they are approved under this section.
- (8) No approval is required under this section for proposals to discontinue a school which is a small school within the meaning given by section 56.

### **63G Determination**

- (1) Where proposals published under section 63D do not require approval under section 63F, the Commission must determine whether the proposals should be implemented.
- (2) If a determination under subsection (1) is not made before the end of 16 weeks beginning with the end of the objection period, the Commission is to be taken to have withdrawn the proposals.
- (3) Before the end of 7 days beginning with the day of its determination under subsection (1), the Commission must notify the following of the determination—
  - (a) the Welsh Ministers;
  - (b) the local authority that maintains, or that it is proposed will maintain, the school to which the proposals relate;
  - (c) the governing body (if any) of the school to which the proposals relate.

### **63H Implementation of proposals**

- (1) Proposals approved by the Welsh Ministers under section 63F or determined to be implemented by the Commission under section 63G have effect as if they had been approved by the Welsh Ministers under section 50 after having been made—
  - (a) by the local authority under its powers to make proposals to establish, alter or discontinue schools, or
  - (b) in the case of proposals to alter a foundation or voluntary school, by the governing body under its powers to make proposals to alter its school.
- (2) Despite anything in Part 1 of Schedule 3 (responsibility for implementation of statutory proposals), the local authority that maintains the school in question must meet the cost of implementing proposals approved under section 63F or determined to be implemented under section 63G which have effect as mentioned in subsection (1)(b).

### **63I Interpretation of Chapter 3A**

In this Chapter—

“the Code” (“*y Cod*”) means the code on school organisation issued under section 38(1);

“the Commission” (“*y Comisiwn*”) means the Commission for Tertiary Education and Research.”

- (8) Omit sections 71 to 76 (proposals for restructuring sixth form education).

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

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- (9) In section 80 (notice by governing body to discontinue foundation or voluntary school), in subsection (3) for “the Welsh Ministers” substitute “the Commission for Tertiary Education and Research”.
- (10) In section 82 (transitional exemption orders for purposes of Equality Act 2010), in subsection (2) for “, 68 or 71” substitute “or 68”.
- (11) In section 98 (general interpretation and index of defined expressions), in subsection (3)—
  - (a) insert in the appropriate place—

““the Commission” (*y Comisiwn*) in Chapter 3A of Part 3 means the Commission for Tertiary Education and Research;”;
  - (b) in the definition of “the Code” for “Chapter 2” substitute “Chapters 2 and 3A”;
  - (c) in the definition of “objection period” after “Part 3” insert “and in section 63E(2) for the purposes of Chapter 3A of Part 3”.
- (12) In Schedule 2 (regulated alterations)—
  - (a) in paragraph 10 (alterations to premises), in sub-paragraph (3)(c)(i), after “59,” insert “63D,”;
  - (b) in paragraph 19 (increase in pupils: special schools), in sub-paragraph (2)(c)(i), after “59,” insert “63D,”.
- (13) In Schedule 5 (minor and consequential amendments), omit paragraphs 2(3) and 20(3).

#### *Social Services and Well-being (Wales) Act 2014 (anaw 4)*

- 30 (1) The Social Services and Well-being (Wales) Act 2014 is amended as follows.
- (2) In section 162 (arrangements to promote co-operation: adults with needs for care and support and carers), in subsection (4)—
    - (a) in paragraph (g), for “Part 2 of the Learning and Skills Act 2000” substitute “section 92, 97 or 103(1) of the Tertiary Education and Research (Wales) Act 2022”;
    - (b) after paragraph (g) insert—

“(ga) the Commission for Tertiary Education and Research to the extent that it is discharging functions under section 93, 94, 95, 97 or 103(1) of the Tertiary Education and Research (Wales) Act 2022;”.

#### *Higher Education (Wales) Act 2015 (anaw 1)*

- 31 The Higher Education (Wales) Act 2015 is repealed.

#### *Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

- 32 (1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.
- (2) In section 6 (meaning of public body), in subsection (1)(h), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

- (3) In section 32 (other partners), in subsection (1) for paragraph (e) substitute—  
“(e) the Commission for Tertiary Education and Research;”.

*Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3)*

- 33 (1) The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 is amended as follows.
- (2) In section 10 (guidance to further and higher education institutions)—
- (a) in subsection (1) for “The Welsh Ministers” substitute “The Commission for Tertiary Education and Research (“the Commission”);
  - (b) in subsection (2) for “The Higher Education Funding Council for Wales (“HEFCW”)” substitute “The Commission”;
  - (c) in subsection (3) for “the Welsh Ministers and HEFCW” substitute “the Commission”;
  - (d) in subsection (5) for “the Welsh Ministers and HEFCW” substitute “the Commission” and for “they consider” substitute “it considers”;
  - (e) omit subsection (8).

*Qualifications Wales Act 2015 (anaw 5)*

- 34 (1) The Qualifications Wales Act 2015 is amended as follows.
- (2) In section 34 (restriction on funding and provision of certain courses), in subsection (12) in the definition of “authorised body” after paragraph (b) insert—  
“(c) the Commission for Tertiary Education and Research;”.

*Deregulation Act 2015 (c. 20)*

- 35 (1) The Deregulation Act 2015 is amended as follows.
- (2) In section 3 (apprenticeships), omit subsection (4).
- (3) In Schedule 1 (apprenticeships)—
- (a) in Part 2, omit paragraphs 9(a) and 15;
  - (b) omit Part 3.

*Environment (Wales) Act 2016 (anaw 3)*

- 36 In section 10 of the Environment (Wales) Act 2016 (meaning of public body), in subsection (1)(f), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

*Public Health (Wales) Act 2017 (anaw 2)*

- 37 In section 110 of the Public Health (Wales) Act 2017 (meaning of public body), in subsection (1)(h), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

*Higher Education and Research Act 2017 (c. 29)*

- 38 (1) The Higher Education and Research Act 2017 is amended as follows.

- (2) In Schedule 11 (minor and consequential amendments relating to Part 1), omit paragraphs 7, 8, 11, 14, 15, 16, 17, 18, 20, 22, 24, 25, 26(3) and (4).

*Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2)*

- 39 (1) The Additional Learning Needs and Education Tribunal (Wales) Act 2018 is amended as follows.
- (2) In section 4 (additional learning needs code), in subsection (3), after paragraph (c) insert—
- “(ca) the Commission for Tertiary Education and Research;  
(cb) the Welsh Ministers;”.
- (3) In section 5 (procedure for making the additional learning needs code), in subsection (1), after paragraph (d) insert—
- “(da) the Commission for Tertiary Education and Research;”.
- (4) In section 50 (Welsh Ministers’ duties to secure post-16 education and training), omit subsections (2) to (4).
- (5) In section 65 (duties to provide information and other help), in subsection (4) after paragraph (d) insert—
- “(da) the Commission for Tertiary Education and Research;  
(db) the Welsh Ministers;”.

*The Welsh Language Standards (No. 6) Regulations 2017 (S.I. 2017/90)*

- 40 (1) The Welsh Language Standards (No. 6) Regulations 2017 are amended as follows.
- (2) In regulation 3(4) for “The Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

*Public Services Ombudsman (Wales) Act 2019 (anaw 3)*

- 41 In Schedule 3 to the Public Services Ombudsman (Wales) Act 2019 (listed authorities), under the sub-heading “Education and training” for “The Higher Education Funding Council for Wales” substitute “The Commission for Tertiary Education and Research”.