



# Tertiary Education and Research (Wales) Act 2022

2022 asc 1

## PART 5

### LEARNER PROTECTION, COMPLAINTS PROCEDURES AND LEARNER ENGAGEMENT

PROSPECTIVE

#### 128 Qualifying institutions for student complaints scheme

- (1) The [Higher Education Act 2004 \(c. 8\)](#) is amended as follows.
- (2) In section 11 (qualifying institutions)—
  - (a) the existing text becomes subsection (1);
  - (b) after that subsection insert—
    - “(2) The Welsh Ministers may, by regulations, specify as a qualifying institution for the purposes of this Part, a person other than one within subsection (1) who is—
      - (a) a registered provider, or
      - (b) a tertiary education provider in Wales other than a registered provider in receipt of financial resources—
        - (i) provided by the Commission for Tertiary Education and Research under section 89(3)(a) of the Tertiary Education and Research (Wales) Act 2022 (higher education courses specified in regulations),
        - (ii) secured by the Commission for Tertiary Education and Research or the Welsh Ministers under section 97(1)(a) of that Act (further education or training), or

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 128. (See end of Document for details)*

(iii) provided by the Commission for Tertiary Education and Research under section 104(1)(a) of that Act (apprenticeships).

(3) In subsection (2)—

“registered provider” means a tertiary education provider registered in the register established and maintained by the Commission for Tertiary Education and Research under section 25 of the Tertiary Education and Research (Wales) Act 2022;

“tertiary education provider in Wales” has the meaning given by section 144(1) of the Tertiary Education and Research (Wales) Act 2022.

(4) The power to make regulations in subsection (2) is to be exercised by statutory instrument.

(5) A statutory instrument containing regulations made under subsection (2) is subject to annulment in pursuance of a resolution of Senedd Cymru.”

(3) In section 12 (qualifying complaints)—

(a) after subsection (2) insert—

“(2A) A complaint within subsection (1) about an act or omission of a qualifying institution specified in regulations made under paragraph (b) of subsection (2) of section 11 is a qualifying complaint only if it is made by a person who is undertaking or has undertaken a course funded by the Commission for Tertiary Education and Research or the Welsh Ministers under—

(a) section 89(3)(a) of the Tertiary Education and Research (Wales) Act 2022 (higher education courses specified in regulations),

(b) section 97(1)(a) of that Act (further education or training), or

(c) section 104(1)(a) of that Act (apprenticeships).”

(b) in subsection (3) for “section 11” substitute “subsection (1) of section 11, or of a qualifying institution specified in regulations made under subsection (2) of that section.”.

#### Commencement Information

**II** S. 128 not in force at Royal Assent, see [s. 148\(2\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 128.