

SL(6)610 – The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 5 and Transitory and Transitional Provisions) Order 2025

Background and Purpose

The Tertiary Education and Research (Wales) Act 2022 (“the Act”) provides for a new statutory framework for publicly funded tertiary education and research in Wales. In particular, the Act establishes a new Commission for Tertiary Education and Research (“the Commission”) in place of the Higher Education Funding Council for Wales.

In accordance with section 148(1) of the Act, certain provisions came into force on 9 September 2022, the day after the day on which the Act received Royal Assent. Section 148(2) provides that the other provisions of the Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 5 and Transitory and Transitional Provisions) Order 2025 (“the Order”) is the sixth order made by the Welsh Ministers using the power in section 148(2).

Part 2 of the Order brings provisions of the Act into force on 5 April 2025. Part 3 of the Order brings provisions of the Act into force on 1 January 2026 and 31 July 2026. Some provisions are brought into force fully, some are brought into force to the extent specified and some are subject to transitory or transitional provisions.

Part 4 of the Order makes transitory and transitional provision relating to the Higher Education (Wales) Act 2015. According to the Explanatory Note, these are modifications in relation to the system for providers to register with the Commission under Part 2 of the Act.

Procedure

No procedure

Scrutiny under Standing Order 21.7

The following point is identified for reporting under Standing Order 21.7 in respect of this Order.

1. It is noted that the Order, which is not subject to any Senedd scrutiny procedure, makes extensive transitory and transitional provision, including in relation to primary legislation.

Government response

A Welsh Government response is not required.



Committee Consideration

The Committee considered the instrument at its meeting on 6 May 2025 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee