



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 2

REGISTRATION AND REGULATION OF TERTIARY EDUCATION PROVIDERS

CHAPTER 3

FURTHER ENFORCEMENT AND PROCEDURAL PROVISIONS

PROSPECTIVE

Miscellaneous duties

80 Duty to monitor and report on financial sustainability

- (1) The Commission must monitor the financial sustainability of—
 - (a) registered providers;
 - (b) tertiary education providers in Wales that—
 - (i) are institutions within the further education sector,
 - (ii) are funded by the Commission under section 97, and
 - (iii) are not registered providers;
 - (c) other tertiary education providers of a kind specified in regulations made by the Welsh Ministers.
- (2) The Welsh Ministers may, by regulations, provide for exceptions to subsection (1)(a) and (b).

Status: This version of this cross heading contains provisions that are prospective.

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

- (3) The Commission must include in its annual report information about the financial position of the persons monitored under subsection (1) for the financial year to which the annual report relates.
- (4) At the same time the Commission sends its annual report to the Welsh Ministers, the Commission must send a separate report to the Welsh Ministers containing a summary of the financial outlook for the persons monitored under subsection (1) for the financial years following the financial year to which the annual report relates.
- (5) “A summary of the financial outlook” is a summary of conclusions drawn by the Commission, from its monitoring under subsection (1), regarding relevant patterns, trends or other matters which it has identified.
- (6) Patterns, trends or other matters are “relevant” if—
 - (a) they relate to the financial sustainability of some or all of the persons monitored under subsection (1), and
 - (b) the Commission considers that they are appropriate to be brought to the attention of the Welsh Ministers.
- (7) In this section—

“annual report” (“*adroddiad blynyddol*”) means the annual report under paragraph 16 of Schedule 1;

“financial year” (“*blwyddyn ariannol*”) has the same meaning as in that Schedule (see paragraph 17).

Commencement Information

II S. 80 not in force at Royal Assent, see [s. 148\(2\)](#)

81 Commission’s statement on intervention functions

- (1) The Commission must publish a statement setting out how it proposes to exercise its intervention functions.
- (2) The Commission—
 - (a) must keep the statement under review;
 - (b) may revise it.
- (3) Before publishing the statement or a revised statement, the Commission must consult—
 - (a) the governing body of each registered provider, and
 - (b) any other persons it considers appropriate.
- (4) The Commission’s intervention functions are its functions under the following provisions—
 - (a) section 36 (duty to monitor compliance with ongoing registration conditions);
 - (b) section 37 (advice and assistance in respect of compliance with ongoing registration conditions);
 - (c) section 38 (reviews relevant to compliance with conditions);
 - (d) section 39 (directions in respect of failure to comply with ongoing registration conditions);

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- (e) section 41 (de-registration);
- (f) section 51 (duty to monitor, and promote improvement in, the quality of regulated tertiary education);
- (g) section 52 (advice and assistance in respect of quality of tertiary education);
- (h) section 53 (reviews relevant to quality of tertiary education);
- (i) section 73(4) (directions in respect of failure to comply with a duty to co-operate).

Commencement Information

I2 S. 81 not in force at Royal Assent, see [s. 148\(2\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Cross Heading: Miscellaneous duties.