



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 3

SECURING AND FUNDING TERTIARY EDUCATION AND RESEARCH

Financial support for apprenticeships

104 Financial support for apprenticeships

- (1) The Commission may provide financial resources to a person in respect of expenditure incurred, or to be incurred—
 - (a) by the person or by a collaborating body (within the meaning given by subsection (2)) for or in connection with the provision of an approved Welsh apprenticeship;
 - (b) by the person for or in connection with the preparation of an apprenticeship framework.
- (2) A person (“a provider”) may pay all or some of the financial resources provided to the provider under subsection (1)(a) to another person (“a collaborating body”) if subsection (3) applies.
- (3) This subsection applies if the collaborating body is providing, is proposing to provide or has provided an approved Welsh apprenticeship on behalf of the provider, or is working, is proposing to work, or has worked in collaboration with the provider for the purpose for which the financial resources are provided.
- (4) The Commission must give its consent before the provider makes a payment to a collaborating body (see section 109 for further provision about the Commission’s consent).

Status: This is the original version (as it was originally enacted).

- (5) The Welsh Ministers may, by regulations, provide that the Commission must only provide financial resources under subsection (1)(a) to tertiary education providers registered in categories specified in the regulations.
- (6) Regulations under subsection (5) may provide for exceptions to the requirement to be registered; and an exception may be framed by reference to (among other things)—
- (a) requirements to be met by an approved Welsh apprenticeship;
 - (b) the description of person providing an approved Welsh apprenticeship;
 - (c) qualifications which form part of an approved Welsh apprenticeship.
- (7) Financial resources may be provided by the Commission under this section on the terms and conditions that it considers appropriate.
- (8) The terms and conditions may (among other things)—
- (a) enable the Commission to require the repayment, in whole or in part, of sums paid by it if any of the terms and conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period during which a sum due to the Commission in accordance with any of the terms and conditions remains unpaid.
- (9) Terms and conditions imposed by the Commission in relation to financial resources provided under subsection (1)(a) to a person who is not a registered provider, must—
- (a) require the person, if given notice under section 126(1), to have in place a learner protection plan approved by the Commission (under section 126(3) or (5)) on or before the date specified in the terms and conditions, and to give effect to the plan;
 - (b) require the person, if the person is a tertiary education provider in Wales, to comply with the requirements contained in the Learner Engagement Code published under section 129(1) or any revised code published under section 129(3);
 - (c) require the person to have regard to advice or guidance given by the Commission (either specifically or to persons generally) in exercise of the Commission’s functions in this Act.
- (10) When providing financial resources to a person under subsection (1)(a) the Commission must have regard—
- (a) to the desirability of not discouraging that person from maintaining or developing funding from other sources, and
 - (b) (so far as it considers it appropriate to do so in light of any other relevant considerations) to the desirability of maintaining any distinctive characteristics of any tertiary education provider for whose activities financial resources are provided.
- (11) In this section—
- “apprenticeship framework” (*“fframwaith prentisiaeth”*) has the meaning given by section 114;
- “approved Welsh apprenticeship” (*“prentisiaeth Gymreig gymeradwy”*) has the meaning given by section 111.