

Status: Point in time view as at 01/11/2023. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, SCHEDULE 3. (See end of Document for details)

PROSPECTIVE

SCHEDULE 3

(introduced by section 56)

ASSESSING HIGHER EDUCATION: DESIGNATED BODY

PART 1

DESIGNATION

Designation

- 1 (1) The Commission may designate a body to exercise its assessment functions.
- (2) The Commission may designate a body under sub-paragraph (1) only if it considers that—
 - (a) the body is suitable to exercise the assessment functions, and
 - (b) designating the body would be appropriate for securing the effective assessment of the quality of higher education provided by tertiary education providers in Wales.
- (3) Before designating a body, the Commission must—
 - (a) obtain the consent of the Welsh Ministers, and
 - (b) consult—
 - (i) each registered provider providing higher education, and
 - (ii) such other persons as it considers appropriate.
- (4) If the Commission decides to designate a body under sub-paragraph (1) it must—
 - (a) notify the body of the designation before the date on which the designation takes effect (“the effective date”), and
 - (b) publish notice of the designation before that date.
- (5) The notice of the designation must state—
 - (a) the name of the body, and
 - (b) the effective date.
- (6) If the Welsh Ministers do not give their consent under sub-paragraph (3)(a), they must publish the reasons for not doing so.

Commencement Information

II Sch. 3 para. 1 not in force at Royal Assent, see [s. 148\(2\)](#)

Bodies suitable to exercise assessment functions

- 2 (1) A body is suitable to exercise the assessment functions if the body satisfies the conditions in sub-paragraph (2).

Status: Point in time view as at 01/11/2023. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, SCHEDULE 3. (See end of Document for details)

(2) The conditions are—

- (a) that the body is capable of exercising the assessment functions in an effective manner,
- (b) the persons who determine the strategic priorities of the body represent a broad range of registered providers providing higher education,
- (c) the body commands the confidence of registered providers providing higher education,
- (d) the body exercises its functions independent of any particular higher education provider, and
- (e) the body consents to being designated under this Schedule.

Commencement Information

I2 Sch. 3 para. 2 not in force at Royal Assent, see [s. 148\(2\)](#)

Removal of designation

- 3 (1) The Commission may by notice remove a designation under this Schedule.
- (2) The notice must—
- (a) include the reasons for the Commission’s decision, and
 - (b) specify the date on which the designation is removed.
- (3) The Commission may remove a designation only if—
- (a) the Commission is satisfied that removing the designation would be appropriate for securing the effective assessment of the quality of higher education provided by tertiary education providers in Wales, or
 - (b) the designated body consents to the removal of the designation.
- (4) Unless sub-paragraph (3)(b) applies, the Commission must, before removing the designation—
- (a) obtain the consent of the Welsh Ministers, and
 - (b) consult—
 - (i) each registered provider providing higher education, and
 - (ii) such other persons as it considers appropriate.
- (5) The Commission must publish a notice under this paragraph.
- (6) If the Welsh Ministers do not give their consent under sub-paragraph (4)(a), they must publish the reasons for not doing so.

Commencement Information

I3 Sch. 3 para. 3 not in force at Royal Assent, see [s. 148\(2\)](#)

Status: Point in time view as at 01/11/2023. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, SCHEDULE 3. (See end of Document for details)

PART 2

OVERSIGHT BY THE COMMISSION

Application

- 4 This Part applies if there is a body designated under this Schedule to exercise the assessment functions.

Commencement Information

I4 Sch. 3 para. 4 not in force at Royal Assent, see [s. 148\(2\)](#)

Power to provide funding

- 5 The Commission may provide funding to the designated body for exercising the assessment functions.

Commencement Information

I5 Sch. 3 para. 5 not in force at Royal Assent, see [s. 148\(2\)](#)

Oversight arrangements

- 6 The Commission must make arrangements for holding the designated body to account for the exercise of the assessment functions.

Commencement Information

I6 Sch. 3 para. 6 not in force at Royal Assent, see [s. 148\(2\)](#)

Annual report by the designated body

- 7 (1) As soon as reasonably practicable after the end of each annual reporting period, the designated body must prepare and send to the Commission a report about the exercise of the assessment functions during the period.
- (2) “Annual reporting period”, in relation to a designated body, means—
- the period of 12 months beginning with the effective date, and
 - each successive period of 12 months.

Commencement Information

I7 Sch. 3 para. 7 not in force at Royal Assent, see [s. 148\(2\)](#)

Power of the Commission to give directions

- 8 (1) The Commission may give the designated body general directions about the exercise of the assessment functions.

Status: Point in time view as at 01/11/2023. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, SCHEDULE 3. (See end of Document for details)

- (2) In giving such directions, the Commission must have regard to the need to protect—
- (a) the expertise of the designated body, and
 - (b) the designated body’s ability to make, or make arrangements for, an impartial assessment of the quality of higher education provided by a tertiary education provider.
- (3) The directions must relate—
- (a) to tertiary education providers in Wales providing higher education or registered providers providing higher education generally, or
 - (b) a description of such providers.
- (4) The designated body must comply with any directions given under this paragraph.

Commencement Information

I8 Sch. 3 para. 8 not in force at Royal Assent, see [s. 148\(2\)](#)

Duty of the Commission to inform the Welsh Ministers about significant concerns

- 9 The Commission must inform the Welsh Ministers if it has significant concerns about—
- (a) how the designated body is exercising the assessment functions, or
 - (b) the continued suitability of the designated body to exercise those functions.

Commencement Information

I9 Sch. 3 para. 9 not in force at Royal Assent, see [s. 148\(2\)](#)

PART 3

POWER TO CHARGE FEES

- 10 (1) The designated body may charge a fee, or fees, to any tertiary education provider in relation to which the body exercises the assessment functions.
- (2) Any fees charged by the designated body under sub-paragraph (1) must be charged in accordance with a scheme prepared and published by the designated body that sets out—
- (a) the fees which the body charges under sub-paragraph (1), and
 - (b) the basis on which such fees are calculated.
- (3) The amount of a fee payable by any tertiary education provider under sub-paragraph (1) may be calculated by reference to costs incurred, or to be incurred, by the body in the exercise of any of its functions under this Act which—
- (a) are unconnected with the provider;
 - (b) are exercised, or are to be exercised, over a period specified in the scheme.
- (4) But the total fees payable under the scheme in any period must not exceed the cost to the designated body of exercising its functions under this Act during the same period.

Status: Point in time view as at 01/11/2023. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, SCHEDULE 3. (See end of Document for details)

- (5) For the purposes of sub-paragraph (4), the cost to the designated body of exercising its functions under this Act is the amount of the costs incurred, or to be incurred, by the designated body in the exercise of any of its functions under this Act in any given period less any funding received by the body under paragraph 5 of this Schedule in the same period.
- (6) The designated body may revise the scheme.
- (7) The scheme (and any revised scheme) is to be treated as having effect only if approved by the Commission.

Commencement Information

I10 Sch. 3 para. 10 not in force at Royal Assent, see [s. 148\(2\)](#)

PART 4

INTERPRETATION

- 11 (1) In this Schedule—
- “the assessment functions” (“*y swyddogaethau asesu*”) has the meaning given in section 56(2);
 - “designated body” (“*corff dynodedig*”) means a body for the time being designated under this Schedule;
 - “the effective date” (“*y dyddiad effeithiol*”), in relation to a designated body, has the meaning given in paragraph 1;
- (2) References in this Schedule to a body that is suitable to exercise the assessment functions are to be read in accordance with paragraph 2.

Commencement Information

I11 Sch. 3 para. 11 not in force at Royal Assent, see [s. 148\(2\)](#)

Status:

Point in time view as at 01/11/2023. This version of this schedule contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, SCHEDULE 3.