



# Tertiary Education and Research (Wales) Act 2022

2022 asc 1

## PART 6

### INFORMATION, ADVICE AND GUIDANCE

#### 131 Persons required to provide information to the Commission

- (1) The Commission may, by notice, require a person within subsection (2) to give the Commission such information as it requests for the purposes of the exercise of any of the Commission's functions.
- (2) The persons within this subsection are—
  - (a) a registered provider;
  - (b) a person other than a registered provider in receipt of financial resources provided under—
    - (i) section 88(2) (services provided in connection with higher education),
    - (ii) section 89 (higher education courses specified in regulations),
    - (iii) section 92 (financial support for certain higher education courses),
    - (iv) section 97 (further education or training),
    - (v) section 103 (other activities connected to tertiary education),
    - (vi) section 104 (apprenticeships),
    - (vii) section 105(2) (services provided in connection with research and innovation), or
    - (viii) section 136 (research by the Commission or the Welsh Ministers);
  - (c) a local authority;
  - (d) the governing body of a maintained school in Wales that is providing, or has arranged for the provision of, higher education to pupils at the school under section 28A of the [Education Act 2002 \(c. 32\)](#);
  - (e) a body designated under Schedule 3 to exercise the Commission's functions under section 54 (assessment of quality of higher education);

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*Status: This is the original version (as it was originally enacted).*

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- (f) a person designated by the Commission under section 120 to exercise the Commission's functions under section 117(2) (publication of apprenticeship frameworks) or section 119 (issue of apprenticeship certificates);
  - (g) any person providing further education or training and who is in receipt of financial support from the Welsh Ministers.
- (3) A notice under subsection (1) to a person mentioned in subsection (2)(c) to (g) may not require the person to give information other than—
- (a) in the case of a person mentioned in subsection (2)(c), (d) or (g), information held by the person for the purpose of the provision of tertiary education;
  - (b) in the case of a body mentioned in subsection (2)(e), information held by the body for the purpose of the exercise of any of the Commission's functions under section 54;
  - (c) in the case of a person mentioned in subsection (2)(f), information held by the person for the purpose of the exercise of any of the Commission's functions under section 117(2) or 119.
- (4) A notice under subsection (1) may require the information to be given—
- (a) by a time specified in the notice, and
  - (b) in a form and manner specified in the notice.
- (5) If a person fails to comply with a notice under subsection (1) and does not satisfy the Commission that the information requested cannot be given, the duty to comply with the notice is enforceable by injunction on the application of the Commission.
- (6) The Commission may give a person listed in subsection (2) information about any matter in relation to which the Commission has a function.