



# Tertiary Education and Research (Wales) Act 2022

2022 asc 1

## PART 2

### REGISTRATION AND REGULATION OF TERTIARY EDUCATION PROVIDERS

#### CHAPTER 1

#### REGISTRATION OF TERTIARY EDUCATION PROVIDERS

##### *De-registration*

#### **42 De-registration: procedure**

- (1) Before removing a registered provider from a category of the register under section 41, the Commission must notify the governing body of the provider that it proposes to do so.
- (2) The notice must specify—
  - (a) the Commission's reasons for proposing to remove the provider from a category of the register,
  - (b) the period during which the governing body of the provider may make representations about the proposal ("the specified period"), and
  - (c) the way in which those representations may be made.
- (3) The specified period must not be less than 28 days beginning with the date on which the notice is received.
- (4) The Commission must have regard to any representations made by the governing body of the provider in accordance with the notice in deciding whether to remove it from a category of the register.

- (5) Having decided whether or not to remove the provider from a category of the register, the Commission must notify the governing body of the provider of its decision.
- (6) Where the decision is to remove the provider from a category of the register, the notice must specify the date on which the removal takes effect.
- (7) The notice must also specify—
  - (a) the grounds for the removal,
  - (b) information as to the right of review, and
  - (c) the period specified in regulations under section 79(4)(c) within which an application for review may be made.
- (8) A removal under section 41 may not take effect at any time when—
  - (a) an application for a review under section 45(c) or (d) could be brought in respect of the decision to remove, or
  - (b) a review or a decision by the Commission following such a review is pending.
- (9) But that does not prevent a removal taking effect if the governing body of the provider notifies the Commission that it does not intend to apply for a review.
- (10) Where subsection (8) ceases to prevent a removal taking effect on the date specified under subsection (6), the Commission must determine a future date on which the removal takes effect.
- (11) But that is subject to what has been determined by the Commission following any review under section 45(c) or (d) in respect of the decision to remove.