



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 3

SECURING AND FUNDING TERTIARY EDUCATION AND RESEARCH

Funding the Commission

86 Funding the Commission: limitations on terms and conditions

- (1) Terms and conditions under section 85 relating to the provision of financial resources by the Commission to a person under section 88 or 89 (higher education), section 97 (further education or training) or section 105 (research and innovation) must not relate to activities carried on by a particular person unless they impose requirements that must be complied with—
 - (a) in respect of every person, or every person of a specified class or description, and
 - (b) before financial resources of a specified amount or specified description are provided by the Commission in respect of activities carried on by a person.
- (2) In subsection (1), “specified” means specified in the terms and conditions.
- (3) Terms and conditions under section 85 relating to the provision of financial resources by the Commission must not be framed by reference to—
 - (a) the criteria for the selection, appointment or dismissal of academic staff, and how they are applied, or
 - (b) the criteria for the admission of students, or how they are applied.
- (4) Terms and conditions under section 85 relating to the provision of financial resources by the Commission under section 105 (research and innovation) may be framed by reference to an area of research or innovation but only if that area is specified in the Commission’s strategic plan approved under section 15.

Status: Point in time view as at 01/08/2024.

Changes to legislation: *There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 86. (See end of Document for details)*

- (5) Terms and conditions under section 85 relating to the provision of financial resources by the Commission under section 88 or 89 (higher education) may be framed by reference to a particular course of study, but must not require the Commission to exercise a function in a way which prohibits or requires the provision of a particular course of study.
- (6) Terms and conditions under section 85 relating to the provision of financial resources by the Commission under section 88 or 89 (higher education) or section 105 (research and innovation) must not be framed by reference to—
- (a) particular parts of courses of study;
 - (b) particular programmes of research or innovation projects;
 - (c) the content of courses of study, programmes of research or innovation projects;
 - (d) the manner in which such courses, programmes or projects are taught, supervised or assessed.
- (7) Subsections (5) and (6) do not prevent terms and conditions being framed by reference to courses of study or parts of courses of study being provided and assessed through the medium of Welsh.

Commencement Information

- I1** S. 86 not in force at Royal Assent, see **s. 148(2)**
- I2** S. 86(1)(5)(6) in force at 1.8.2024 by S.I. 2024/806, **art. 6(1)** (with arts. 6(2), 28)
- I3** S. 86(2)(3)(7) in force at 1.8.2024 by S.I. 2024/806, **art. 2(d)** (with art. 28)
- I4** S. 86(4) in force at 1.8.2024 by S.I. 2024/806, **art. 7(1)** (with arts. 7(2), 28)

Status:

Point in time view as at 01/08/2024.

Changes to legislation:

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 86.