



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 6

INFORMATION, ADVICE AND GUIDANCE

130 Information and advice from the Commission and information from the Welsh Ministers

- (1) The Commission must give the Welsh Ministers—
 - (a) such information relating to any of its functions or obtained in the exercise of any of its functions as the Welsh Ministers request, and
 - (b) such advice relating to any of its functions as the Welsh Ministers request.
- (2) Information and advice given under subsection (1) must be given in such form and manner as the Welsh Ministers may determine.
- (3) The Commission may give the Welsh Ministers—
 - (a) information relating to any of its functions or obtained in the exercise of any of its functions, or
 - (b) advice relating to any of its functions.
- (4) The Welsh Ministers may give the Commission information for the purposes of the exercise of any of its functions.

Commencement Information

- I1** S. 130 not in force at Royal Assent, see [s. 148\(2\)](#)
- I2** S. 130 in force at 4.9.2023 by [S.I. 2023/919](#), [art. 2\(q\)](#)

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, PART 6. (See end of Document for details)

PROSPECTIVE

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);
 - (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.

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Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, PART 6. (See end of Document for details)

- (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.

Commencement Information

I3 S. 131 not in force at Royal Assent, see [s. 148\(2\)](#)

132 Powers to share information

- (1) Each of the following may give the Commission information for the purposes of the exercise of any of the Commission's functions—
- (a) Her Majesty's Chief Inspector of Education and Training in Wales;
 - (b) the Education Workforce Council;
 - (c) Qualifications Wales;
 - (d) the Secretary of State;
 - (e) the Office for Students;
 - (f) a body designated under Schedule 3 to exercise the Commission's functions under section 54 (assessment of quality of higher education);
 - (g) the person designated by the Welsh Ministers under section 13 of the [Higher Education Act 2004 \(c. 8\)](#) as the designated operator of a scheme for the review of student complaints;
 - (h) a person specified in arrangements made by the Welsh Ministers under section 23(4) of the [Teaching and Higher Education Act 1998 \(c. 30\)](#) to exercise on their behalf functions exercisable by virtue of regulations under section 22 of that Act (arrangements for giving financial support to students);
 - (i) a person specified in arrangements made by the Welsh Ministers under section 14 of the [Education Act 2002 \(c. 32\)](#) (financial assistance for education and children etc.), which, in accordance with section 17 of that Act, provide for the person to give assistance or exercise other functions relating to assistance;
 - (j) a person providing services to one or more tertiary education providers in Wales that are institutions within the higher education sector relating to applications for admission on to higher education courses provided by them;
 - (k) a person specified in regulations made by the Welsh Ministers.
- (2) The Commission may give a person listed in subsection (1) and any other person it considers appropriate information about any matter in relation to which it has a function.

Commencement Information

I4 S. 132 not in force at Royal Assent, see [s. 148\(2\)](#)

I5 S. 132(1)(a)-(e)(g)-(k)(2) in force at 4.9.2023 by [S.I. 2023/919](#), [art. 2\(r\)](#)

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, PART 6. (See end of Document for details)

PROSPECTIVE

133 Power to require application-to-acceptance information

- (1) The Welsh Ministers may, by notice, require a person within subsection (2) to give them or the Commission such application-to-acceptance information as may be described in the notice for use for qualifying research.
- (2) A person within this subsection is one providing services to one or more tertiary education providers in Wales that are institutions within the higher education sector relating to applications for admission on to higher education courses provided by them.
- (3) “Application-to-acceptance information” means information relating to—
 - (a) applications for admission to higher education courses provided by tertiary education providers in Wales that are institutions within the higher education sector (including predicted grades),
 - (b) offers and rejections given to individuals in respect of applications for admission to those courses, or
 - (c) the acceptance of such offers.
- (4) “Qualifying research” means—
 - (a) research into the choices available to individuals who are—
 - (i) applying for admission on to higher education courses provided by tertiary education providers in Wales that are institutions within the higher education sector, or
 - (ii) considering whether to accept an offer for admission on such a course from such a provider;
 - (b) research into equality of opportunity in connection with access to and participation in higher education provided by tertiary education providers in Wales that are institutions within the higher education sector;
 - (c) research into any other topic approved by the Welsh Ministers.
- (5) 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.
- (6) If a person fails to comply with a notice under subsection (1) and does not satisfy the Welsh Ministers that the information described in the notice cannot be given, the duty to comply with the notice is enforceable by injunction on the application of the Welsh Ministers.

Commencement Information

I6 S. 133 not in force at Royal Assent, see [s. 148\(2\)](#)

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, PART 6. (See end of Document for details)

PROSPECTIVE

134 Use of application-to-acceptance information for research purposes

- (1) The Welsh Ministers may—
 - (a) use information obtained under section 133 for qualifying research, and
 - (b) give information obtained under section 133 to the Commission or to an approved person for use for qualifying research.
- (2) The Welsh Ministers, the Commission or an approved person may publish the product of research carried out using information obtained under section 133 so long as—
 - (a) a purpose in publishing it is to provide statistical information,
 - (b) no individual to whom the information obtained under section 133 relates may be identified from the publication, and
 - (c) the publication does not include information obtained under section 133 that may be regarded as commercially sensitive.
- (3) “Approved person” means—
 - (a) a body approved by the Welsh Ministers for the purposes of this section that uses or disseminates information for the purpose of research (“an approved body”), or
 - (b) an individual approved by the Welsh Ministers or an approved body for the purposes of this section (“an approved researcher”).
- (4) An approved body may give information obtained under section 133 to an approved researcher, but an approved researcher may not give that information to—
 - (a) another approved researcher, or
 - (b) another approved body.
- (5) The Welsh Ministers must publish guidance regarding factors to be taken into account in deciding whether to approve a body or individual for the purposes of this section.
- (6) “Qualifying research” has the same meaning as in section 133.

Commencement Information

I7 S. 134 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

135 Other information, advice and guidance

- (1) The Commission may give advice and issue guidance (whether general or specific) to any person about the provision of tertiary education or any matter connected with the Commission’s functions.
- (2) The Commission must—
 - (a) identify good practice in relation to the sharing of information by the persons specified in subsection (3), and

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- (b) give advice and issue guidance about such practice to those persons.
- (3) The persons specified in this subsection are—
 - (a) a registered provider,
 - (b) a person other than a registered provider providing tertiary education funded or otherwise secured by the Commission.
- (4) The Commission must publish any guidance it issues under subsections (1) and (2).
- (5) The Commission must establish systems for collecting information which is designed to secure that its decisions with regard to tertiary education are made on a sound basis.

Commencement Information

18 S. 135 not in force at Royal Assent, see [s. 148\(2\)](#)

PROSPECTIVE

136 Research by the Commission or the Welsh Ministers

- (1) The Commission or the Welsh Ministers may carry out, or secure the provision of financial resources to persons carrying out or proposing to carry out, research in relation to—
 - (a) Welsh tertiary education;
 - (b) other education or training—
 - (i) provided wholly or mainly in Wales, or
 - (ii) to persons who are ordinarily resident in Wales;
 - (c) any matter connected to education or training described in paragraph (a) or (b);
 - (d) any other matter relevant to the Commission’s functions.
- (2) The Commission or the Welsh Ministers may publish, or arrange for the publication of, the results of such research so long as no individual to whom the research relates may be identified from the publication.
- (3) The Commission or the Welsh Ministers may secure the provision of financial resources under subsection (1)—
 - (a) by providing resources itself or themselves;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Commission or the Welsh Ministers).
- (4) If the Commission itself, or the Welsh Ministers themselves, provide financial resources under subsection (1), they may impose such terms and conditions as they consider appropriate.
- (5) The terms and conditions may (among other things)—
 - (a) enable the Commission or the Welsh Ministers to require the repayment, in whole or in part, of sums paid by them if any of the terms and conditions subject to which the sums were paid is not complied with;

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- (b) require the payment of interest in respect of any period in which a sum due to the Commission or the Welsh Ministers in accordance with any of the terms and condition remains unpaid.
- (6) If the Commission has made arrangements under subsection (3)(b) for another person to provide the Commission's financial resources, the Commission may require that person to provide the resources subject to such terms and conditions that the Commission considers appropriate (including terms and conditions of a kind that could be imposed under subsection (5)).

Commencement Information

19 S. 136 not in force at Royal Assent, see [s. 148\(2\)](#)

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, PART 6.