



Tertiary Education and Research (Wales) Act 2022

2022 asc 1

PART 7

MISCELLANEOUS AND GENERAL

Higher education corporations

PROSPECTIVE

139 Dissolution of higher education corporations in Wales

- (1) Section 128 of the [Education Reform Act 1988 \(c. 40\)](#) is amended as follows.
- (2) In subsection (1), in sub-paragraph (b)(iii), for the words “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research (“the Commission”)”.
- (3) After subsection (1) insert—
 - “(1A) An order under this section may be made only if—
 - (a) the higher education corporation to be dissolved has requested that an order be made, or
 - (b) if there has been no such request, the higher education corporation consents to an order being made.
 - (1B) But an order may be made as if consent had been given under subsection (1A)
 - (b) if the Welsh Ministers consider that the higher education corporation—
 - (a) has unreasonably withheld its consent, or
 - (b) has unreasonably delayed in giving or withholding its consent.
 - (1C) An order under subsection (1)(b)—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 139. (See end of Document for details)

- (a) may, in relation to any property or rights of the corporation transferred under the order, make provision about the effect of such transfer on any right of pre-emption, right of return or other similar right that may apply in respect of such property or rights (including provision about the calculation and payment of any just compensation);
 - (b) has effect in relation to property, rights or liabilities to which it applies in spite of any provision (of whatever nature) of any enactment or any rule of law, which would otherwise prevent, penalise or restrict the transfer of the property rights or liabilities.”
- (4) In subsection (4), in paragraph (b), for the words “the Higher Education Funding Council for Wales” substitute “the Commission”.
- (5) For subsection (5), substitute—
- “**(5)** In this section—
- “charitable purposes” has the meaning given by section 11 of the [Charities Act 2011 \(c. 25\)](#);
- “right of return means any right under a provision for the return or reversion of property in specified circumstances.”
- (6) After subsection (6), insert—
- “**(7)** The Welsh Ministers must publish a statement setting out the circumstances in which they propose to exercise the power under this section to make an order.
- (8)** The Welsh Ministers—
- (a) must keep the statement under review;
 - (b) may revise it.
- (9)** Before publishing the statement or a revised statement, the Welsh Ministers must consult such persons as they consider appropriate.
- (10)** As soon as possible after publishing the statement or revised statement, the Welsh Ministers must lay a copy of it before Senedd Cymru.”

Commencement Information

II S. 139 not in force at Royal Assent, see [s. 148](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Section 139.