

**2024 No. 670**

**CONSTITUTIONAL LAW**

**DEVOLUTION, WALES**

**EDUCATION, WALES**

**The Tertiary Education and Research (Wales) Act 2022  
(Consequential Amendments) (No. 2) Order 2024**

*Made* - - - - - *20th May 2024*

*Laid before Parliament* *21st May 2024*

*Coming into force in accordance with article 1(2)*

The Secretary of State, in exercise of the powers conferred by section 150(1)(a) and (2)(a) of the Government of Wales Act 2006(a), makes the following Order.

**Citation, commencement and extent**

**1.**—(1) This Order may be cited as the Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) (No. 2) Order 2024.

(2) This Order comes into force on the later of—

- (a) the day on which section 23 of the Tertiary Education and Research (Wales) Act 2022(b) comes into force, and
- (b) 1st August 2024.

(3) An amendment made by this Order has the same extent as the provision amended.

**Amendment of Charities (Accounts and Reports) Regulations 2008**

**2.** In regulation 2 of the Charities (Accounts and Reports) Regulations 2008(c) (interpretation), in paragraph (1), in sub-paragraph (b)(ii) of the definition of “special case charity”, for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”(d).

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(a) 2006 c. 32.

(b) 2022 asc 1.

(c) S.I. 2008/629. The definition of “special case charity” was relevantly amended by S.I. 2010/500, Schedule 1, paragraph 10(2)(a) and S.I. 2019/1027, regulation 30; there are other amending instruments but none are relevant to this Order.

(d) The Commission for Tertiary Education and Research was established by section 1 of the Tertiary Education and Research (Wales) Act 2022.

## **Amendment of Charities (Exception from Registration) Regulations 2010**

3. In regulation 3 of the Charities (Exception from Registration) Regulations 2010(a) (exception from registration for institutions of a particular description ceasing to be exempt charities), in paragraph (2)(e), for “the Higher Education Funding Council for Wales” substitute “the Commission for Tertiary Education and Research”.

*David TC Davies*  
Secretary of State  
Wales Office

20th May 2024

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made under section 150 of the Government of Wales Act 2006 which, among other things, allows the Secretary of State to make provision in consequence of Acts of Senedd Cymru.

The Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) abolishes the Higher Education Funding Council for Wales (“HEFCW”) and creates the Commission for Tertiary Education and Research (“the Commission”). This Order makes consequential amendments to reflect the new provisions of the 2022 Act.

Article 2 amends the definition of “special case charity” in regulation 2 of the Charities (Accounts and Reports) Regulations 2008 to replace the reference to HEFCW with a reference to the Commission. Section 1 of the 2022 Act establishes the Commission and section 23 of the 2022 Act provides for the dissolution of HEFCW.

Article 3 amends regulation 3 of the Charities (Exception from Registration) Regulations 2010 to replace the reference to HEFCW with a reference to the Commission.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(a) S.I. 2010/502. Regulation 3 was amended by S.I. 2012/3012, Schedule 4, paragraph 6(3).



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