

2024 No. (W.)

EDUCATION, WALES

**The Commission for Tertiary
Education and Research (Decision
Review) (Wales) Regulations 2024**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to reviews of decisions made by the Commission for Tertiary Education and Research (“the Commission”) under sections 45 and 78 of the Tertiary Education and Research (Wales) Act 2022.

Regulations 3 and 4 set out the procedure to be followed when applying for a decision review.

Regulation 5 specifies the recommendations that may be made by the decision reviewer and the grounds for those recommendations.

Regulations 6, 7 and 8 deal with the powers and duties of the decision reviewer, the applicant and the Commission during the review process.

Regulation 9 requires the Commission to respond to a recommendation from the decision reviewer.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Post Compulsory Education and Training Reform Branch, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2024 No. (W.)

EDUCATION, WALES

**The Commission for Tertiary
Education and Research (Decision
Review) (Wales) Regulations 2024**

| | |
|---------------------------------|-----|
| <i>Made</i> | *** |
| <i>Laid before Senedd Cymru</i> | *** |
| <i>Coming into force</i> | *** |

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by sections 79(3) and (4), and 143(2)(a) of the Tertiary Education and Research (Wales) Act 2022⁽¹⁾.

Title and commencement

1.—(1) The title of these Regulations is the Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2024.

(2) These Regulations come into force on **XXXX**.

Interpretation

2. In these Regulations—

“the 2022 Act” (“*Deddf 2022*”) means the Tertiary Education and Research (Wales) Act 2022;

“the Commission” (“*y Comisiwn*”) means the Commission for Tertiary Education and Research;

“the decision reviewer” (“*yr adolygydd penderfyniadau*”) means the person or panel of persons appointed by the Welsh Ministers under section 79(1) of the 2022 Act;

“the parties” (“*y partion*”) means the applicant and the Commission.

(1) 2022 asc.1.

Applying for a decision review

3. For the purposes of sections 45 and 78 of the 2022 Act, an application must be made to the decision reviewer—

- (a) in writing, and
- (b) within 40 days of the date on which the applicant is notified of the decision.

4. An application must specify the grounds on which a review is sought and contain—

- (a) a copy of the decision to be reviewed, including any reasons for the decision given by the Commission, and
- (b) any supporting information the applicant wishes the decision reviewer to take into account.

Recommendations by the decision reviewer

5. The decision reviewer may recommend that—

- (a) the Commission should take no action, where the decision reviewer finds no or insufficient reason for the Commission to reconsider the decision, or
- (b) the Commission should reconsider its decision, where—
 - (i) the Commission has failed to comply with a procedural requirement,
 - (ii) the applicant has provided new information,
 - (iii) the decision reviewer finds the Commission has not considered any relevant fact, or
 - (iv) the decision reviewer considers the decision to be disproportionate.

The decision review procedure

6. On receipt of an application, the decision reviewer must—

- (a) send the Commission a copy of the application and any supporting information, and
- (b) tell the parties how long the decision reviewer believes the review will take.

7.—(1) The decision reviewer may—

- (a) request additional information from the parties, and
- (b) invite the parties to make further representations in response to any additional information.

(2) The parties must respond to any request for additional information within 28 days of receiving the request.

(3) If the decision reviewer requests additional information or representations from a party, it must send the other party a copy of—

- (a) any request for additional information or representations, and
- (b) any additional information or representations provided.

8. The decision reviewer must produce a written recommendation and send it to the parties.

The Commission’s duties after a decision review

9. On receipt of a recommendation from the decision reviewer, the Commission must—

- (a) reconsider its decision, if recommended to do so, and
- (b) notify the applicant of the outcome of its reconsideration, including its reasons, within 40 days of receiving the recommendation.

Name

Minister for Education and Welsh Language, one of the Welsh Ministers

Date

DRAFT