



Llywodraeth Cymru  
Welsh Government

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Welsh Government  
Consultation – summary of responses

## Amendments to the Digital Economy Act 2017

February 2024

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh  
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

## **Overview**

This document provides a summary of the responses to the consultation on amendments to the Digital Economy Act 2017.

## **Action Required**

This document is for information only.

## **Further information and related documents**

Large print, Braille and alternative language versions of this document are available on request.

## **Contact details**

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## **Additional copies**

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website.

Link to the consultation documentation: <https://www.gov.wales/amendments-digital-economy-act-2017>

## Background

The Tertiary Education and Research (Wales) Act 2022 ('the TER Act'), provided for the establishment of a new Commission for Tertiary Education and Research ('the Commission').

The Commission will be the regulatory body responsible for the funding, oversight and regulation of tertiary education and research in Wales. Tertiary education encompasses post-16 education, including further and higher education, adult community learning and work-based education, apprenticeships, and local authority-maintained school sixth forms.

There have been a number of consultations relating to the implementation of the TER Act, and this one sought views on the draft Digital Government (Welsh Bodies) Regulations 2024 which, as drafted, would amend Part 2 of Schedule 8 to the Digital Economy Act 2017. It is proposed to replace the existing reference to the Higher Education Funding Council for Wales ('HEFCW') with one to the Commission. These Regulations would come into force from the Commission's operational date, at the same time as HEFCW is dissolved.

These Regulations will be subject to the draft affirmative procedure. Subject to the completion of the statutory consultation duty, it is anticipated that the Plenary debate will occur on 16<sup>th</sup> July 2024 ahead of the Regulations being made and brought into force to take effect from 1 August 2024.

Prior to the making Regulations to add the Commission to schedule 8 to the 2017 Act, the Welsh Ministers must satisfy the statutory consultation duty as provided for in section 56(12) of the 2017 Act. The duty requires the Welsh Ministers to consult with:

- a. the Information Commissioner,
- b. the Commissioners for Her Majesty's Revenue and Customs,
- c. each other person who is the appropriate national authority in relation to Regulations under subsection (6),
- d. where the appropriate national authority is not the relevant Minister, the Minister for the Cabinet Office, and
- e. such other persons as the appropriate national authority thinks appropriate.

Officials undertook a twelve-week consultation from 2 October until 22 December 2023, which included engagement with each of bodies listed above. The national authorities in relation to this consultation were the relevant UK Minister(s), the Scottish Ministers, and the Department of Finance in Northern Ireland. A response was received from Scottish Ministers.

As part of the general consultation, respondents were invited to review the consultation document online and respond to each of the questions via e-mail, postal questionnaire, or an online form.

## Structure of the consultation

The consultation contained 3 questions covering the proposed change. The draft [Regulations](#) were published alongside the consultation document.

## About the analysis

For analysis purposes, all responses were securely saved. Where agreement was indicated, respondents' details were logged along with the details from the consultation response.

The comments received largely focused on the policy within the scope of the consultation.

This document is intended to be a summary of the responses received. It does not aim to capture every point raised by respondents but highlights the key themes. A summary of the relevant themes and headlines from the responses is contained in this document and has confirmed the policy approach proposed.

- **Question 1 – Do you agree that the reference to HEFCW should be replaced with a reference to the Commission for Tertiary Education and Research in the list of specified persons in Part 2 of Schedule 8 of the Digital Economy Act 2017 ?**

Agree: 3, Disagree: 1

The respondent who disagreed with the policy was referring more generally to the Welsh Government's Welsh Language policy rather than the proposal as stated.

There were no other comments provided.

- **Question 2 - We would like to know your views on the effects that the reference to HEFCW being replaced with a reference to the Commission for Tertiary Education and Research in the list of specified persons in Part 2 of Schedule 8 of the Digital Economy Act 2017, would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?**

Respondents were content that the Welsh language opportunities would not be impacted by the proposed change and that the position will be the same as when the reference to HEFCW was in the schedule. Outside of the specific question, reference was made to the impact on resources in maintaining Welsh medium provision.

- **Question 3 - *Please also explain if and how you believe that the reference to HEFCW being replaced with a reference to the Commission for Tertiary Education and Research in the list of specified persons in Part 2 of Schedule 8 of the Digital Economy Act 2017, could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.***

Respondents were content that referring to the Commission rather than HEFCW would not affect the opportunities for people to use the Welsh language and were confident that the new arrangements maintain and protect the rights of Welsh language speakers, and that sufficient mechanisms are in place for the Welsh language to be treated no less favourably than English.

## **Conclusion**

We received 4 responses to the consultation, 2 of which were from the Tertiary Education sector in Wales and 1 from one of the statutory consultees. We have considered all responses, and have confirmed support for the reference to HEFCW to be replaced with a reference to the Commission in the list of specified persons in Part 2 of Schedule 8 of the Digital Economy Act 2017.