

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Sixth Delegated Legislation Committee

DRAFT TERTIARY EDUCATION AND RESEARCH  
(WALES) ACT 2022 (CONSEQUENTIAL  
AMENDMENTS) ORDER 2024

*Wednesday 13 March 2024*

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**Sunday 17 March 2024**

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**The Committee consisted of the following Members:**

*Chair:* GRAHAM STRINGER

- |   |   |
|---|---|
| † Antoniazzi, Tonia ( <i>Gower</i> ) (Lab)                            | † Jenkinson, Mark ( <i>Workington</i> ) (Con)               |
| † Baynes, Simon ( <i>Clwyd South</i> ) (Con)                          | Jones, Mr David ( <i>Clwyd West</i> ) (Con)                 |
| † Bell, Aaron ( <i>Newcastle-under-Lyme</i> ) (Con)                   | Kitchen, Gen ( <i>Wellingborough</i> ) (Lab)                |
| Blake, Olivia ( <i>Sheffield, Hallam</i> ) (Lab)                      | † Loughton, Tim ( <i>East Worthing and Shoreham</i> ) (Con) |
| † Cairns, Alun ( <i>Vale of Glamorgan</i> ) (Con)                     | † McDonnell, John ( <i>Hayes and Harlington</i> ) (Lab)     |
| † Coyle, Neil ( <i>Bermondsey and Old Southwark</i> ) (Lab)           | † Morden, Jessica ( <i>Newport East</i> ) (Lab)             |
| † Davies, David T. C. ( <i>Secretary of State for Wales</i> )         | Williamson, Sir Gavin ( <i>South Staffordshire</i> ) (Con)  |
| † Drummond, Mrs Flick ( <i>Meon Valley</i> ) (Con)                    |   |
| † Evennett, Sir David ( <i>Bexleyheath and Crayford</i> ) (Con)       | Nicholas Taylor, <i>Committee Clerk</i>                     |
| Hillier, Dame Meg ( <i>Hackney South and Shoreditch</i> ) (Lab/Co-op) | † <b>attended the Committee</b>                             |

# Sixth Delegated Legislation Committee

Wednesday 13 March 2024

[GRAHAM STRINGER *in the Chair*]

## Draft Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Order 2024

2.30 pm

**The Secretary of State for Wales (David T. C. Davies):** I beg to move,

That the Committee has considered the draft Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Order 2024.

It is a great pleasure to serve under your chairmanship, Mr Stringer. The draft order will make changes to UK legislation arising from the establishment of the Commission for Tertiary Education and Research in Wales, which I will hereafter refer to as the commission, under powers in the Senedd's Tertiary Education and Research (Wales) Act 2022. The commission will be the regulatory body responsible for the funding, oversight and regulation of tertiary education and research in Wales. The 2022 Act also provides for the dissolution of the Higher Education Funding Council for Wales, the existing regulatory body for higher education in Wales, which I will hereafter refer to as HEFCW. The Welsh Government have announced that the commission will become operational in August 2024 and that HEFCW will be dissolved at the same time. The order's amendments to various pieces of UK legislation, many of which replace references to HEFCW with references to the commission, are therefore needed in advance of that change taking effect.

Article 2 of the draft order amends the House of Commons Disqualification Act 1975 so that members of the commission in receipt of remuneration will be disqualified from membership of the House of Commons, in the same way that members of HEFCW are currently. Article 3 replaces a reference to HEFCW and the Welsh Ministers with a reference to the commission in section 82 of the Further and Higher Education Act 1992, which makes provision about the assessment of maintaining academic standards in higher education institutions in Scotland and Wales.

Article 4 amends schedule 1 to the Freedom of Information Act 2000, which lists public authorities for the purposes of that Act. Once it comes into force, the 2022 Senedd Act will repeal section 62 of the Further and Higher Education Act. Section 62 is referred to in schedule 1 to the Freedom of Information Act in order to define institutions in the Welsh higher education sector within the scope of the 2000 Act. Article 4 replaces that cross-reference with an equivalent definition, which will ensure that there is no material change to the institutions in the Welsh higher education sector subject to the 2000 Act.

Article 4 also amends part VI of schedule 1 to the Freedom of Information Act by adding the commission to the list of public authorities for the purposes of that

Act, and removing the reference to HEFCW from the list. Article 5 amends section 32 of the Counter-Terrorism and Security Act 2015, which makes provision about monitoring the performance of further and higher education bodies in discharging their duty to prevent people from being drawn into terrorism. In line with section 32 of the 2015 Act, the Home Secretary has delegated that monitoring function to HEFCW in relation to higher and further education in Wales. Our amendment will ensure that, once HEFCW is dissolved, that function can be delegated to the commission in the same way. Finally, article 6 updates the Higher Education and Research Act 2017 to ensure that the commission can enter into joint working arrangements with education and research bodies across the UK, including UK Research and Innovation and the Office for Students, as HEFCW can currently.

I welcome the establishment of the commission and hope it will have a positive impact on the tertiary education and research sector in Wales. In particular, I am pleased that the draft order will support collaboration and joint working between the commission and its counterparts in other UK nations, and the continuous improvement of the education and research sector in Wales and more widely across the UK. I commend the draft order to the Committee.

2.34 pm

**Jessica Morden** (Newport East) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I will not detain the Committee long, especially after the high excitement of Welsh questions earlier. This straightforward statutory instrument, laid as a consequence, as the Secretary of State said, of the passage of the Tertiary Education and Research (Wales) Act 2022 in the Senedd, will replace references in reserved UK legislation to the Higher Education Funding Council for Wales with references to the new Commission for Tertiary Education and Research. It will also make technical amendments in relation to provisions being repealed as a consequence of the Act.

The Act formed part of the delivery of the Welsh Labour manifesto commitment on tertiary education. Although this is of interest to no one other than myself, my father spent his career in tertiary education in Gwent, in Pontypool College. The Act renews the 30-year-old system that predates devolution, under which tertiary education is currently organised and funded. When the commission becomes operational on 1 August, it will, for the first time, take a coherent and system-wide view of tertiary education, bringing under one roof the funding, oversight, quality and regulation of higher and further education, local authority maintained schools, sixth forms, apprenticeships, and adult and community learning, as well as other responsibilities for research and innovation.

In introducing these changes, the Welsh Government are implementing the main recommendations of the independent Hazelkorn review, which noted the confusion and complexity of the sector in Wales and the lack of system-wide strategic view and collaboration, as well as the incoherent learner pathways. I am pleased to confirm that the architect of many of the marketised reforms to tertiary education in England, the former Minister for Universities, Jo Johnson, similarly backed a

“joined-up system of regulation and funding for all post-16 education”

in England, deriding what he called a

“bewildering array of regulatory and funding bodies”.—[*Official Report, House of Lords*, 15 June 2021; Vol. 812, c. 1813.]

After the Secretary of State’s attempted tour de force at Welsh questions—some little problems with Wrexham there—I am sure he will acknowledge that Welsh Labour is leading the way in this legislation.

Labour Governments invest in young people’s futures. Combined with the Welsh Government’s young person’s guarantee of education, training or work for all 16 to 24-year-olds, the new system will create the conditions for a highly skilled society with equality of opportunity and a civic mission at its heart. Its strategic duties will also include contributing to a sustainable and innovative economy, which is crucial for a UK Labour Government to deliver their plan to make Wales a green energy superpower, investing in the industries and jobs of the future.

This statutory instrument makes only a few minor and technical legislative amendments, so Labour has no reason to divide the Committee. However, I would ask the Minister to check with his officials whether the Department has notified the Welsh Government that the order has been laid. It is my understanding that that did not happen on this occasion, and it would be good to know that the issue will be taken forward and that people will check that the Welsh Government are notified.

2.37 pm

**David T. C. Davies:** I thank the hon. Member for Newport East for her valuable contribution to the debate. I am 99% certain that the Welsh Government were advised about the order, and I am getting nods from officials. I think that the Welsh Government actually offered to send officials along to take questions. If I am incorrect, I will write to the hon. Lady.

As I said, the order provides for a number of consequential changes to UK law, which are necessary ahead of the Commission for Tertiary Education and Research becoming operational in August. To respond to the hon. Lady’s points, it is of course always a pleasure to help the Welsh Labour Government implement their manifesto commitments.

In reference to the hon. Lady’s father, he did indeed have a distinguished career in education in Wales. It was a pleasure to meet him 20 years ago when I was in the Senedd—in fact, I think we collaborated to save a community theatre. I know he did a lot to support the arts for young people in Monmouthshire, and he was well respected by everyone who knew him.

I thank everyone for the productive manner in which the debate has been carried out and for the way in which the UK and Welsh Governments have worked together in preparing the order, and I commend it to the Committee.

*Question put and agreed to.*

2.38 pm

*Committee rose.*





