

SL(6)682 – The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025

Background and Purpose

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

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

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

Regulations 6 to 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 in which the decision reviewer recommends it to reconsider its decision, notice or direction.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

These Regulations do not define “the applicant”, therefore it is not clear on the face of these Regulations who may apply for a review.



2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

Regulation 5(b) provides that the decision reviewer may recommend that the Commission should reconsider its “decision” in four specified circumstances. Does regulation 5(b) apply to decisions, notices and directions, or only decisions? The same is asked in relation to the reference to “decision” in regulation 5(b)(iv).

If regulation 5(b) and regulation 5(b)(iv) apply to decisions, notices and directions, it is asked why it is not specified in the same way as regulation 5(a), which refers to a “decision, notice or direction”? If regulation 5(a) and (b) applies to Commission decisions, notices and directions, the different use of terms in paragraphs (a) and (b) could cause confusion and potentially lead to incorrect interpretation.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Regulations specify section 79(3) and (4) of the 2022 Act as the powers under which the Welsh Ministers make these Regulations, however the Explanatory Memorandum states that these Regulations are made “*pursuant to sections 79(3), 79(4) and 143(2)(a) of the 2022 Act*”.

The Welsh Government is asked why section 143(2)(a) is listed in the Explanatory Memorandum, but not in the Regulations themselves?

Welsh Government response

A Welsh Government response is required to all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

10 December 2025

