



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Implementation of the Tertiary Education and Research (Wales) Act 2022
DATE	02 December 2025
BY	Vikki Howells MS, Minister for Further and Higher Education

I am pleased to inform members that I have made two statutory instruments in connection with the implementation of the Tertiary Education and Research (Wales) Act 2022 ('the TER Act') and the bringing into force of the functions of the Commission for Tertiary Education and Research ('Medr'), namely:

- The Education (Specified Courses of Higher Education) (Wales) Regulations 2025 (*"the section 89 Regulations"*), and
- The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025 (*"the Decision Review Regulations"*).

Following on from Medr becoming operational last year, its functions as provided for in the TER Act have been brought into force in phases, with the most recent phase being delivered in April of this year.

Looking ahead, I intend to make further subordinate legislation to bring into force, on 1 April 2026, the next phase of Medr's functions; primarily in respect of the securing, funding and inspection of further education and training, along with provision within section 89 of the TER Act which enables Medr to fund 'eligible courses' of higher education. I will provide further updates to Members in due course.

The section 89 Regulations specify eligible higher education courses for the purpose of section 89(3) of the TER Act, enabling Medr to provide funding to providers in connection with:

- courses in preparation for a professional examination, the standard of which is higher than A-Level examinations or the examination for the National Certificate or National Diploma of the Business & Technical Education Council ('BTEC') (paragraph 1(g)),

- courses providing education where the standard of those courses is higher than the standard of courses providing education in preparation for such examinations (paragraph 1(h)), and
- courses for the Higher National Diploma or Higher National Certificate of the BTEC which are identified within an apprenticeship framework issued under section 19(1) of the Apprenticeships, Skills, Children and Learning Act 2009.

The policy intention in making these Regulations is two-fold.

Firstly, the Regulations will ensure Medr has sufficient functions to provide funding for higher education courses of a similar nature to those currently funded by the Welsh Ministers through programmes such as higher apprenticeships, the personal learning account programme and mainstream further education provision which includes courses that are at a level to be considered higher education.

Secondly, the Regulations will enable Medr to fund courses falling within para 1(g) or (h) of the ERA 1988 on an ongoing basis, reflecting the Welsh Ministers' functions as set out in section 92 of the TER Act.

Turning to the Decision Review Regulations, these address the duty within section 79(3) of the TER Act whereby the Welsh Ministers are required to make regulations in respect of the arrangements in relation to the review of certain decision made by Medr. Where Medr chooses to issue a notice or direction in reliance on certain of its regulatory powers as set out in the TER Act, the provider in receipt of the notice or direction may request a review of the decision by an independent person or panel appointed by the Welsh Ministers.

The Decision Review Regulations make the necessary provision to enable the process for reviewing relevant decisions made by Medr to be transparent, allow the provider adequate opportunity to present evidence and support the completion of the process in a timely manner.

The Decision Review Regulations are the third of five statutory instruments required to complete the legislative framework which will enable Medr to establish the register in relation to higher education providers in Wales.

I made the first two instruments (the Commission for Tertiary Education and Research (Registration and De-registration of Tertiary Education Providers in Wales) Regulations 2024 and the Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024) in November 2024 and in the new year I intend to make the final two statutory instruments. Again, I will provide further updates to Members in due course.