

TERTIARY EDUCATION AND RESEARCH (WALES) BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Jeremy Miles MS on 3 May 2022. Further amendments for Stage 3 will be tabled by the **Minister for Education and Welsh Language** in due course.

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
1	Section 3, page 1, after line 27, insert – () increased participation in the carrying out of research and innovation in Wales by persons who are members of under-represented groups;’.	Adran 3, tudalen 1, ar ôl llinell 27, mewnosoder— () cynyddu cyfranogiad, gan bersonau sy’n aelodau o grwpiau sydd heb gynrychiolaeth ddigonol, mewn gwaith ymchwil ac arloesi a wneir yng Nghymru;’.	Purpose – This amendment alters section 3 of the Bill to expand the Commission's strategic duty in respect of promoting equality of opportunity to include promoting increased participation in the carrying out of research and innovation in Wales. Effect – This amendment imposes a duty on the Commission to promote increased participation in the carrying out of research and innovation in Wales by persons who are members of under-represented groups. A definition of under-represented groups is inserted into section 3 by amendment 2.
2	Section 3, page 2, line 4, after ‘are’ at the first place where it occurs on a line, insert ‘in relation to tertiary education,’	Adran 3, tudalen 2, llinell 4, ar ôl ‘yw’, mewnosoder ‘mewn perthynas ag addysg drydyddol,’.	Purpose – This amendment is consequential to amendments 1 and 3. Effect – Clarifies that the existing definition of under-represented groups in section 3(2) of the Bill applies in relation to tertiary education.
3	Section 3, page 2, line 6, after ‘factors’, insert ‘, and (a) in relation to research and innovation, groups that are under-represented in the carrying out of research and innovation in Wales as a result of social, cultural, economic or organisational factors’.	Adran 3, tudalen 2, llinell 6, ar ôl ‘sefydliadol’, mewnosoder ‘, a (a) mewn perthynas ag ymchwil ac arloesi, grwpiau nad oes ganddynt gynrychiolaeth ddigonol mewn gwaith ymchwil ac arloesi a wneir yng Nghymru o ganlyniad i ffactorau cymdeithasol, diwylliannol, economaidd neu sefydliadol’.	Purpose – This amendment is consequential to amendment 1 and provides for a definition of under-represented groups in relation to research and innovation. Effect – Under-represented groups in relation to the duty inserted by amendment 1 are defined as those groups who are under-represented in the carrying out of research and innovation in Wales as result of social, cultural, economic, or organisational factors.

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
4	Section 5, page 2, line 14, leave out ‘, and (b) research and innovation carried out in Wales.’.	Adran 5, tudalen 2, llinell 14, hepgorer ‘, a (b) gwaith ymchwil ac arloesi a wneir yng Nghymru.’.	<p>This amendment is consequential to amendment 7 and removes section 5(1)(b) due to the inclusion of equivalent provision in the section inserted by amendment 7.</p> <p>Effect – Section 5 of the Bill applies to the promotion of continuous improvement specifically in tertiary education. The promotion of research and innovation is now a separate subsection.</p>
5	Section 5, page 2, after line 20, insert— ‘ () the importance of the views of learners about the quality of the tertiary education they receive.’.	Adran 5, tudalen 2, ar ôl llinell 20, mewnosoder— ‘ () i bwysigrwydd barn dysgwyr ynghylch ansawdd yr addysg drydyddol a gânt.’.	<p>Purpose – Section 5 of the Bill provides the Commission's strategic duty in respect of promoting continuous improvement in tertiary education and includes a list of matters to which the Commission must have regard when discharging said duty. This amendment expands that list of matters to include having regard to the importance of the views of persons receiving tertiary education about the quality of the education they receive.</p> <p>Effect – When discharging its strategic duty in respect of promoting continuous improvement in tertiary education, the Commission must have regard to the views of learners receiving tertiary education about the quality of the education they receive.</p>
6	Section 5, page 2, line 22, leave out ‘(“learners”)	Adran 5, tudalen 2, llinell 22, hepgorer ‘(“dysgwyr”)	<p>Purpose – This amendment removes an extraneous and potentially unclear definition for ‘learners’.</p> <p>Effect – Provides certainty for the definition of ‘members of the tertiary education workforce’.</p>
7	Page 2, after line 24, insert a new section – ‘ [] Promotion of research and innovation (1) The Commission must promote— (a) the carrying out of research and innovation in Wales; (b) continuous improvement in the quality of research and	Tudalen 2, ar ôl llinell 25, mewnosoder adran newydd— ‘ [] Hybu gwaith ymchwil ac arloesi (1) Rhaid i'r Comisiwn hybu— (a) gwneud gwaith ymchwil ac arloesi yng Nghymru; (b) gwelliant parhaus yn ansawdd gwaith ymchwil ac arloesi a wneir gan bersonau perthnasol,	<p>Purpose - This amendment provides for an additional strategic duty in respect of promoting research and innovation.</p> <p>Effect - This amendment provides for a new strategic duty requiring the Commission to promote the carrying out of research and innovation in Wales, and the carrying out of research and innovation, and related</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>innovation carried out by relevant persons, and the competitiveness of that research and innovation compared to research and innovation carried out by other persons;</p> <p>(c) collaboration on research and innovation, both in Wales and elsewhere in the world, between –</p> <p>(i) relevant persons, and</p> <p>(ii) relevant persons and others;</p> <p>(d) the carrying out by relevant persons of research and innovation and of activities related to research and innovation through the medium of Welsh. ’.</p> <p>(2) In subsection (1), “relevant person” means—</p> <p>(a) a provider specified in regulations under section 102(4);</p> <p>(b) a collaborating body within the meaning given by section 102(4) when carrying out research and innovation in respect of which consent given by the Commission under that subsection is in effect.’.</p>	<p>a chystadleurwydd y gwaith ymchwil ac arloesi hwnnw o’i gymharu â gwaith ymchwil ac arloesi a wneir gan bersonau eraill;</p> <p>(c) cydlafurio ar waith ymchwil ac arloesi, yng Nghymru ac mewn mannau eraill yn y byd rhwng—</p> <p>(i) personau perthnasol;</p> <p>(ii) personau perthnasol ac eraill;</p> <p>(d) gwneud gwaith ymchwil ac arloesi a gweithgareddau sy’n ymwneud â gwaith ymchwil ac arloesi gan bersonau perthnasol drwy gyfrwng y Gymraeg.</p> <p>(2) Yn is-adran (1), ystyr “person perthnasol” yw—</p> <p>(a) darparwr a bennir mewn rheoliadau o dan adran 102(4);</p> <p>(b) corff sy’n cydlafurio o fewn yr ystyr a roddir gan adran 102(4) wrth wneud gwaith ymchwil ac arloesi y mae cydsyniad a roddir gan y Comisiwn o dan yr is-adran honno mewn effaith mewn cysylltiad ag ef.’.</p>	<p>activities, through the medium of Welsh by relevant persons.</p> <p>The Commission must promote collaboration on research and innovation both in Wales and elsewhere in the world, between relevant persons, and between relevant persons and others.</p> <p>The Commission must also promote continuous improvement in the quality of research and innovation carried out by relevant persons, and the competitiveness of that research and innovation compared to research and innovation carried out by other persons.</p> <p>A relevant person is defined as:</p> <ul style="list-style-type: none"> – a tertiary education provider who is registered in the category of the register specified in regulations made under section 102(4), that is a tertiary education provider who is eligible to receive research and innovation funding from the Commission; or – a collaborating body, as defined by section 102(4) of the Bill, when that body is carrying out research and innovation in respect of which the Commission has consented to the passing of funding from a registered provider, funded under section 102, to that provider.
8	<p>Section 8, page 3, line 6, leave out ‘people to participate’ and insert ‘demand for, and participation’.</p>	<p>Adran 8, tudalen 3, llinell 6, hepgorer ‘pobl i gymryd rhan mewn addysg drydyddol a ddarperir yng Nghymru drwy gyfrwng y Gymraeg’ a mewnosoder ‘y galw am addysg drydyddol a ddarperir</p>	<p>Purpose – Section 8 of the Bill provides for the Commission’s strategic duty in respect of promoting tertiary education through the medium of Welsh. This amendment expands this strategic duty to include encouraging demand for tertiary education to be provided in Wales through the medium of Welsh, in</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
		yng Nghymru drwy gyfrwng y Gymraeg a chyfranogiad ynddi’.	<p>addition to encouraging participation in such education.</p> <p>Effect – The Commission will be required to encourage both demand for, and participation in, tertiary education to be provided in Wales through the medium of Welsh.</p>
9	Section 8, page 3, line 9, leave out ‘reasonable’.	Adran 8, tudalen 3, llinell 9, hepgorer ‘galw rhesymol’ a mewnosoder ‘y galw’.	<p>Purpose - Section 8 of the Bill provides for the Commission's strategic duty in respect of promoting tertiary education through the medium of Welsh. As drafted for introduction, section 8 included a duty on the Commission to take all reasonable steps to ensure there is sufficient provision of tertiary education through the medium of Welsh to meet 'reasonable demand'. This amendment removes 'reasonable' in the latter case so as to require the Commission to take all reasonable steps to meet demand.</p> <p>Effect – The Commission will be required as part of this strategic duty to take all reasonable steps to ensure that there is sufficient provision of tertiary education through the medium of Welsh to meet demand.</p>
10	<p>Section 8, page 3, after line 13, insert—</p> <p>() The Welsh Ministers must designate a person to give relevant advice to the Commission</p> <p>() In this section, “relevant advice” means advice given for the purpose of assisting the Commission in the discharge of its duties under this subsection ().</p> <p>() A person may be designated under subsection () only if the Welsh Ministers consider the person is suitable to give advice on the following—</p> <p>(a) the promotion, maintenance, development and planning of tertiary education provided in</p>	<p>Adran 8, tudalen 3, ar ôl llinell 13, mewnosoder—</p> <p>() Rhaid i Weinidogion Cymru ddynodi person i roi cyngor perthnasol i'r Comisiwn.</p> <p>() Yn yr adran hon, ystyr “cyngor perthnasol” yw cyngor a roddir at ddiben cynorthwyo'r Comisiwn i gyflawni ei ddyletswyddau o dan is-adran ().</p> <p>() Ni chaniateir i berson gael ei ddynodi o dan is-adran () ond os yw Gweinidogion Cymru yn ystyried bod y person yn addas i roi cyngor ar y canlynol—</p> <p>(a) hybu, cynnal, datblygu a chynllunio addysg drydyddol a</p>	<p>Purpose – This amendment enables the Welsh Ministers to designate a person to provide advice to the Commission regarding the discharge of the strategic duty in respect of promoting tertiary education through the medium of Welsh.</p> <p>Effect – The Welsh Ministers must designate a person who meets the requirements of subsection (4) to advise the Commission on the discharge of the strategic duty in respect of promoting tertiary education through the medium of Welsh. The Welsh Ministers are not required to designate a person if they consider there is no person suitable to give advice on the matters listed in subsection (4), or the person they consider suitable does not consent to be designated.</p> <p>In order to designate a person, the Welsh Ministers must consider that person to be suitable to give advice on the</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>Wales through the medium of Welsh,</p> <p>(b) the promotion of the acquisition and improvement of Welsh language skills,</p> <p>(c) the maintenance, development, planning and provision of activities to support the acquisition and improvement of Welsh language skills, and</p> <p>(d) collaboration between tertiary education providers in Wales in relation to the matters mentioned in paragraphs (a) to (c).</p> <p>() The duty in subsection () does not apply if—</p> <p>(a) the Welsh Ministers consider there is no person suitable to give advice on the matters mentioned in subsection (), or</p> <p>(b) there is no person who consents to be designated.</p> <p>() The Commission must have regard to any relevant advice given to it by a person designated under subsection ().</p> <p>() The Commission must publish a designation made by the Welsh Ministers under subsection ().</p> <p>() A designation under subsection () may be removed.</p>	<p>ddarperir yng Nghymru drwy gyfrwng y Gymraeg,</p> <p>(b) hybu caffael a gwella sgiliau Cymraeg,</p> <p>(c) cynnal, datblygu, cynllunio a darparu gweithgareddau i gefnogi caffael a gwella sgiliau Cymraeg, a</p> <p>(d) cydlafurio rhwng darparwyr addysg drydyddol yng Nghymru mewn perthynas â'r materion a grybwyllir ym mharagraffau (a) i (c).</p> <p>() Nid yw'r ddyletswydd yn is-adran () yn gymwys—</p> <p>(a) os yw Gweinidogion Cymru yn ystyried nad oes unrhyw berson sy'n addas i roi cyngor ar y materion a grybwyllir yn is-adran (), neu</p> <p>(b) os nad oes unrhyw berson sy'n cydsynio i gael ei ddynodi.</p> <p>() Rhaid i'r Comisiwn roi sylw i unrhyw gyngor perthnasol a roddir iddo gan berson sydd wedi ei ddynodi o dan is-adran ().</p> <p>() Rhaid i'r Comisiwn gyhoeddi dynodiad a wneir gan Weinidogion Cymru o dan is-adran ().</p> <p>() Caniateir i ddynodiad o dan is-adran () gael ei ddileu.'.</p>	<p>matters listed in relation to Welsh language skills and collaboration between tertiary education providers, as inserted by the amendment.</p> <p>The Commission must have regard to the advice provided by the designated person and the Commission must also publish a designation made by the Welsh Ministers.</p>
11	Section 10, page 3, line 37, leave out 'providers of tertiary education' and insert 'tertiary education providers'.	<i>Nid oes angen diwygio'r testun Cymraeg</i>	This amendment is a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill.
12	Section 10, page 4, line 2, after 'research', insert 'and innovation'.	Adran 10, tudalen 4, llinell 2, hepgorer 'ymchwil' a mewnosoder 'gwaith ymchwil ac arloesi'.	Purpose – The purpose of this amendment is to ensure consistency in drafting across the Bill in respect to references to research and innovation.

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			Effect – The Commission is subject to a duty to promote opportunities for persons ordinarily resident in Wales and tertiary education providers in Wales to carry out innovation, as well as research, elsewhere in the world.
13	Section 10, page 4, line 2, leave out ‘or collaborate on research internationally’.	Adran 10, tudalen 4, llinell 2, hepgorer ‘neu gydlafurio’n rhyngwladol ar waith ymchwil’.	This amendment is consequential to amendment 7 and removes ‘or collaborate on research internationally’ due to the inclusion of equivalent provision in the section inserted by amendment 7.
14	<p>Page 4, after line 3, insert a new section—</p> <p>[] Promoting collaboration between providers of tertiary education and trade unions</p> <p>(1) The Commission must promote collaboration between tertiary education providers in Wales and relevant trade unions.</p> <p>(2) A trade union is a relevant trade union for the purpose of this section if the Commission considers that collaboration between it and tertiary education providers in Wales is likely to assist the discharge of the Commission’s duties under sections 2 to 10, and it is—</p> <p>(a) represented by the body known as Wales TUC Cymru, or</p> <p>(b) if not so represented, the Commission considers it represents members of the tertiary education workforce (within the meaning given by section 5(3)) in Wales.’.</p>	<p>Tudalen 4, ar ôl llinell 3, mewnosoder adran newydd—</p> <p>[] Hybu cydlafurio rhwng darparwyr addysg drydyddol ac undebau llafur</p> <p>(1) Rhaid i’r Comisiwn hybu cydlafurio rhwng darparwyr addysg drydyddol yng Nghymru ac undebau llafur perthnasol.</p> <p>(2) Mae undeb llafur yn undeb llafur perthnasol at ddiben yr adran hon os yw’r Comisiwn yn ystyried bod cydlafurio rhyngddo a darparwyr addysg drydyddol yng Nghymru yn debygol o gynorthwyo i gyflawni dyletswyddau’r Comisiwn o dan adrannau 2 i 10, ac—</p> <p>(a) y caiff ei gynrychioli gan y corff o’r enw Wales TUC Cymru, neu</p> <p>(b) os na chaiff ei gynrychioli felly, fod y Comisiwn yn ystyried ei fod yn cynrychioli aelodau o’r gweithlu addysg drydyddol (o fewn yr ystyr a roddir gan adran 5(3)) yng Nghymru.’.</p>	<p>Purpose – This amendment provides for an additional strategic duty in respect of promoting collaboration between providers of tertiary education and trade unions for the purpose of assisting the Commission to discharge its other strategic duties.</p> <p>Effect – The Commission must promote collaboration between tertiary education providers and relevant trade unions, where the Commission considers that collaboration between those trade unions and tertiary education providers in Wales is likely to assist in the discharge of the Commission’s duties under sections 2 to 10. The trade unions must either be represented by Wales TUC Cymru or considered by the Commission to represent members of the tertiary education workforce (within the meaning given by section 5(3)) in Wales.</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
15	Section 13, page 4, line 24, leave out 'consult the Commission before they modify its plan' and insert 'seek the agreement of the Commission to each modification they propose making to a plan before they modify it'.	Adran 13, tudalen 4, llinell 25, hepgorer 'ymgynggori â'r Comisiwn cyn iddynt addasu ei gynllun' a mewnosoder 'geisio cytundeb y Comisiwn i bob addasiad y maent yn bwriadu ei wneud i gynllun cyn iddynt ei addasu'.	<p>Purpose – This amendment, together with amendment 16, alters the arrangements by which the Welsh Ministers may modify the strategic plan prepared by the Commission under section 12 of the Bill.</p> <p>Effect – Rather than being required to consult with the Commission prior to modifying the Commission's strategic plan, the Welsh Ministers are now required to seek the agreement of the Commission to each modification they propose making to the plan before they modify it.</p>
16	Section 13, page 4, after line 25, insert— ' () If the Welsh Ministers approve a plan containing a modification that is not agreed by the Commission— (a) the Welsh Ministers must give reasons for that modification to the Commission, and (b) the Commission must publish the reasons given by the Welsh Ministers when it publishes its approved strategic plan.'	Adran 13, tudalen 4, ar ôl llinell 26, mewnosoder— ' () Os yw Gweinidogion Cymru yn cymeradwyo cynllun sy'n cynnwys addasiad nad yw'r Comisiwn yn cytuno iddo— (a) rhaid i Weinidogion Cymru roi rhesymau dros yr addasiad hwnnw i'r Comisiwn, a (b) rhaid i'r Comisiwn gyhoeddi'r rhesymau a roddir gan Weinidogion Cymru pan fydd yn cyhoeddi ei gynllun strategol cymeradwy.'	<p>Purpose – This amendment, together with amendment 15, alters the arrangements by which the Welsh Ministers may modify the strategic plan prepared by the Commission under section 12 of the Bill.</p> <p>Effect – If the Welsh Ministers modify the strategic plan of the Commission when approving it, without having secured the agreement of the Commission, they must set out their reasons and provide those reasons to the Commission. The Commission is then required to publish the reasons given by the Welsh Ministers when it publishes its approved strategic plan under section 13(4) of the Bill.</p>
17	Section 15, page 5, line 20, leave out subsection (2) and insert— , and () academic staff at those providers. () In this section, "academic freedom" means— () in relation to tertiary education providers, their freedom to determine— (i) the contents of particular higher education courses and the manner in which	Adran 15, tudalen 5, llinell 20, hepgorer is-adran (2) a mewnosoder— , a () staff academaidd y darparwyr hynny. () Yn yr adran hon, ystyr "rhyddid academaidd" yw— () mewn perthynas â darparwyr addysg drydyddol, eu rhyddid i benderfynu— (i) cynnwys cyrsiau addysg uwch pendool a'r modd y	<p>Purpose – This amendment alters section 15 of the Bill to provide for the duties on the Welsh Ministers and the Commission to have regard to the need to protect the academic freedom of tertiary education providers and academic staff under a single section.</p> <p>Effect – This amendment clarifies that the duty to have regard to the need to protect the freedom of academic staff within the law to question and test received wisdom and to put forward new ideas is part of the wider duty to have regard to the need to protect 'academic freedom'.</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>they are taught, supervised or assessed,</p> <p>(ii) the criteria for admission of students to higher education courses and to apply those criteria in particular cases, and</p> <p>(iii) the criteria for the selection and appointment of academic staff and to apply those criteria in particular cases;</p> <p>() in relation to academic staff, their freedom within the law—</p> <p>(i) to question and test received wisdom, and</p> <p>(ii) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at the tertiary education providers.’.</p>	<p>cânt eu haddysgu, eu goruchwyllo neu eu hasesu,</p> <p>(ii) y meini prawf ar gyfer derbyn myfyrwyr ar gyrsiau addysg uwch ac i gymhwyso’r meini prawf hynny mewn achosion penodol, a</p> <p>(iii) y meini prawf ar gyfer dethol a phenodi staff academiaidd ac i gymhwyso’r meini prawf hynny mewn achosion penodol;</p> <p>() mewn perthynas â staff academiaidd, eu rhyddid o fewn y gyfraith—</p> <p>(i) i gwestiynu a phrofi doethineb cyffredin, a</p> <p>(ii) i gyflwyno syniadau newydd a lleisio barn ddadleuol neu amhoblogaidd, heb eu rhoi eu hunain mewn perygl o golli eu swyddi neu unrhyw freintiau a all fod ganddynt yn y darparwyr addysg drydyddol.’.</p>	
18	Page 5, line 28, leave out section 16.	Tudalen 5, llinell 28, hepgorer adran 16.	This amendment is consequential to amendment 17.
19	<p>Page 5, after line 35, insert a new section—</p> <p>[] Institutional autonomy of tertiary education providers</p> <p>In exercising their functions under this Act, the Welsh Ministers and the Commission must have regard to the importance of protecting the freedom within the law of tertiary education</p>	<p>Tudalen 5, ar ôl llinell 35, mewnosoder adran newydd—</p> <p>[] Awtonomi sefydliadol darparwyr addysg drydyddol</p> <p>Wrth arfer eu swyddogaethau o dan y Ddeddf hon, rhaid i Weinidogion Cymru a’r Comisiwn roi sylw i bwysigrwydd diogelu’r rhyddid o fewn y gyfraith i ddarparwyr addysg</p>	<p>Purpose – This amendment introduces a duty on the Welsh Ministers and the Commission to have regard to the importance of protecting the 'institutional autonomy' of tertiary education providers.</p> <p>Effect – This amendment requires that the Welsh Ministers and the Commission have regard to the importance of protecting the freedom within the law of tertiary education providers in Wales to conduct their</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	providers in Wales to conduct their day to day management in an effective and competent way’.	drydyddol yng Nghymru i reoli o ddydd i dydd mewn ffordd effeithiol a medrus.’.	day-to-day business in an effective and competent manner.
20	Section 17, page 6, line 4, after ‘Commission’, insert ‘or on the Welsh Ministers’.	Adran 17, tudalen 6, llinell 4, ar ôl ‘Comisiwn’, mewnosoder ‘neu i Weinidogion Cymru’.	<p>Purpose – This amendment alters section 17(1) to apply the general protection duty in respect of compatibility with charity law and the governing documents of tertiary education providers to the Welsh Ministers’ functions under the Bill.</p> <p>Effect - The amendment extends the general protection duty under section 17 so that it applies to the Welsh Ministers’ functions under the Bill as well as the Commission’s. The amendment will prevent the Welsh Ministers from imposing any requirements on the governing bodies of tertiary education providers that require those governing bodies to act in breach of their obligations as charity trustees or require governing bodies to act in a manner incompatible with their governing documents.</p>
21	Section 17, page 6, after line 23, insert— () in the case of a provider that is a school, the school’s instrument of government (if any);’.	Adran 17, tudalen 6, ar ôl llinell 24, mewnosoder— () yn achos darparwr sy’n ysgol, offeryn llywodraethu’r ysgol (os oes un);’.	<p>Purpose – This amendment includes additional provision in section 17(2) which defines the governing documents of schools for the purposes of the general protection duty under section 17(1) of the Bill.</p> <p>Effect – This amendment will ensure that the general protection duty in relation to compatibility with governing documents applies to schools in the same way as other tertiary education providers. This will mean that the Commission or the Welsh Ministers cannot require the governing body of a school to do anything under the Bill which is incompatible with its instrument of government.</p>
22	Section 17, page 6, line 24, leave out ‘not falling within paragraphs (a) to (d)’.	Adran 17, tudalen 6, llinell 25, hepgorer ‘nad yw’n dod o fewn paragraffau (a) i (d)’.	<p>Purpose – This is a technical amendment to the wording of section 17(2)(e) that relates to the definition of governing documents of a company for the purposes of the general protection duty under section 17(1). The amendment is necessary to take account of circumstances where a tertiary education provider may operate as a company but also have governing</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			<p>documents that fall into other categories listed under section 17(2).</p> <p>Effect – The amendment will mean that the governing documents of a company (i.e. memorandum and articles of association) are defined as a distinct category in section 17(2) rather than one that applies where a tertiary education provider does not fall within one of the other categories listed. It will ensure that any tertiary education provider that operates as a company but also has governing documents that fall into other categories listed in section 17(2), will be subject to the same level of protection under section 17 as all other providers that fall into a single category.</p>
23	<p>Section 25, page 10, after line 22, insert— () where there are validation arrangements in place, the effectiveness of those arrangements in enabling the applicant tertiary education provider to satisfy itself as to the quality of the education leading to the award of a qualification under the arrangements.’.</p>	<p>Adran 25, tudalen 10, ar ôl llinell 23, mewnosoder— () pan fo trefniadau dilysu yn eu lle, effeithiolrwydd y trefniadau hynny wrth alluogi'r darparwr addysg drydyddol sy'n gwneud cais i'w fodloni ei hunan o ran ansawdd yr addysg sy'n arwain at ddyfarnu cymhwyster o dan y trefniadau.’.</p>	<p>Purpose – Section 25 as introduced sets out the initial registration conditions tertiary education providers must satisfy when applying for registration. This amendment requires applicant providers satisfy an additional condition if they have validation arrangements in place.</p> <p>Effect – As a condition of registration, where validation arrangements are in place, the Commission must be satisfied of the effectiveness of the validation arrangements in enabling the applicant provider to be satisfied as to the quality of the provision delivered by a third party where that provision leads to a qualification under the arrangements.</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
24	<p>Section 25, page 10, after line 24, insert—</p> <p>() The Commission may revise the requirements.</p> <p>() If the Commission revises the requirements it must publish a revised document specifying the requirements as revised.</p> <p>() Before publishing the document or revised document, the Commission must, if it appears to it appropriate to do so, consult such persons as it considers appropriate.’</p>	<p>Adran 25, tudalen 10, ar ôl llinell 25, mewnosoder—</p> <p>() Caiff y Comisiwn ddiwygio'r gofynion.</p> <p>() Os yw'r Comisiwn yn diwygio'r gofynion, rhaid iddo gyhoeddi dogfen ddiwygiedig sy'n pennu'r gofynion fel y'u diwygiwyd.</p> <p>() Cyn cyhoeddi'r ddogfen neu ddogfen ddiwygiedig, rhaid i'r Comisiwn, os yw'n ymddangos iddo ei bod yn briodol gwneud hynny, ymgynghori â'r personau hynny y mae'n ystyried eu bod yn briodol.’</p>	<p>Purpose – This amendment confers a power on the Commission to revise the requirements that must be met in respect of the initial conditions of registration under section 25(1) of the Bill. The amendment also places the Commission under duties to (a) publish a revised document if it revises the requirements that must be met and (b) consult such persons as it considers appropriate before publishing either an initial or revised document specifying those requirements.</p> <p>Effect – The Commission may revise the requirements that must be met by applicant tertiary education providers in respect of the initial registration conditions. If the Commission changes those requirements, it must publish an updated document specifying the revised requirements. Prior to publishing either an initial or a revised document, if it appears to the Commission to be appropriate, it must consult such persons as it considers appropriate.</p>
25	<p>Section 25, page 10, after line 34, insert—</p> <p>() In subsection (1)(), “validation arrangements” means arrangements between an applicant tertiary education provider and another education provider under which the applicant tertiary education provider awards a qualification to a student at the other provider or authorises the other provider to award a qualification on its behalf.’</p>	<p>Adran 25, tudalen 10, ar ôl llinell 35, mewnosoder—</p> <p>() Yn is-adran (1)(), ystyr “trefniadau dilysu” yw trefniadau rhwng darparwr addysg drydyddol sy'n gwneud cais a darparwr addysg arall y mae'r darparwr addysg drydyddol sy'n gwneud cais yn dyfarnu cymhwyster odanynt i fyfyrwr yn y darparwr arall neu'n awdurdodi'r darparwr arall i ddyfarnu cymhwyster odanynt ar ei ran.’</p>	<p>This amendment is consequential to amendment 23 and sets out the definition of validation arrangements.</p>
26	<p>Section 26, page 11, line 8, leave out ‘persons that appear to the Commission to be concerned’ and insert ‘such persons as it considers appropriate’</p>	<p>Adran 26, tudalen 11, llinell 9, hepgorer ‘â phersonau y mae'n ymddangos i'r Comisiwn fod ganddynt ddi-ddordeb ynddynt’ a mewnosoder ‘â'r personau hynny y mae'n ystyried eu bod yn briodol’.</p>	<p>This amendment is a minor technical amendment with the purpose and effect of achieving consistency in drafting throughout the Bill in respect of statutory consultation duties.</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
27	Section 29, page 13, after line 5, insert— '() a condition relating to the effectiveness of any validation arrangements in place;'	Adran 29, tudalen 13, ar ôl llinell 5, mewnosoder— '() amod sy'n ymwneud ag effeithiolrwydd unrhyw drefniadau dilysu sydd yn eu lle;'	Purpose – Provides for a new mandatory ongoing registration condition in relation to the quality of validated provision where a qualification is awarded on behalf of a registered provider. Effect – The Commission must ensure that all registered providers are subject to an ongoing mandatory condition relating to the effectiveness of the providers' validation arrangements to assure the quality of validated provision. Validation arrangements are defined in amendment 28.
28	Section 29, page 13, after line 23, insert— '() In subsection (1)(), “validation arrangements” means arrangements between the registered provider and another education provider under which the registered provider awards a qualification to a student at the other provider or authorises the other provider to award a qualification on its behalf.'	Adran 29, tudalen 13, ar ôl llinell 23, mewnosoder— '() Yn is-adran (1)(), ystyr “trefniadau dilysu” yw trefniadau rhwng y darparwr cofrestredig a darparwr addysg arall y mae'r darparwr cofrestredig yn dyfarnu cymhwyster odanynt i fyfyrwr yn y darparwr arall neu'n awdurdodi'r darparwr arall i ddyfarnu cymhwyster odanynt ar ei ran.'	This amendment is consequential to amendment 27 and sets out the definition of validation arrangements.
29	Section 31, page 14, line 32, leave out 'tertiary education provider registered in a category specified in regulations made by the Welsh Ministers for the purposes of this section' and insert 'registered provider'.	Adran 31, tudalen 14, llinell 33, hepgorer 'addysg drydyddol sydd wedi ei gofrestru mewn categori a bennir mewn rheoliadau a wneir gan Weinidogion Cymru at ddibenion yr adran hon' a mewnosoder 'cofrestredig'.	Purpose – This amendment removes the power at section 31(1) to specify in regulations the category of registration to which a mandatory ongoing equal opportunity registration condition must apply. This amendment also places the Commission under a duty to ensure a mandatory ongoing registration condition relating to equal opportunity is applied to each registered tertiary education provider. Effect – The Welsh Ministers will not be able to make regulations specifying the categories of registration to which a mandatory ongoing equality of opportunity condition must apply. The amendment requires the Commission to ensure that all registered tertiary

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			education providers are subject to a mandatory ongoing condition relating to equality of opportunity.
30	Section 31, page 15, line 10, leave out 'the kind of tertiary education that relates to a category of the register specified under subsection (1)' and insert 'tertiary education of a kind that relates to the category of the register in which the provider in question is registered'.	Adran 31, tudalen 15, llinell 11, hepgorer 'yw'r math o addysg drydyddol sy'n ymwneud â chategori o'r gofrestr a bennir o dan is-adran (1)' a mewnosoder 'yw addysg drydyddol o fath sy'n ymwneud â chategori o'r gofrestr y mae'r darparwr o dan sylw wedi ei gofrestru ynddo'.	<p>Purpose – This amendment is consequential to amendment 29 and defines “relevant tertiary education” for the purpose of the imposition of a mandatory ongoing registration condition on equal opportunity.</p> <p>Effect – This amendment defines “relevant tertiary education” as being tertiary education of a kind that relates to the category of the register in which the provider is registered. This ensures that a registered provider will be concerned with delivering equality of opportunity outcomes in respect of the kind of tertiary education relating to its registration category.</p>
31	Section 48, page 22, after line 26, insert— '() consideration of the views of learners about the quality of the tertiary education they receive;'. '()	Adran 48, tudalen 22, ar ôl llinell 25, mewnosoder— '() ystyried barn dysgwyr ynghylch ansawdd yr addysg drydyddol a gânt;'. '()	<p>The Commission may publish quality assurance frameworks, which are documents setting out guidance and information on matters of policy and practice concerning the list of matters set out in section 48 of the Bill.</p> <p>The purpose and effect of this amendment is to add 'consideration of the views of learners about the quality of the tertiary education they receive' to the list of matters to be included in quality assurance frameworks.</p>
32	Section 59, page 27, line 23, after 'may', insert '(among other things)'.	Adran 59, tudalen 27, llinell 31, ar ôl 'gynnwys', mewnosoder '(ymhlith pethau eraill)'.	<p>Purpose – The amendment inserts new text into section 59(2) of the Bill to clarify that the list of additional functions prescribed in that section, which can be conferred on the Chief Inspector by way of regulations, is not exhaustive.</p> <p>Effect – The amendment will ensure that the Welsh Ministers are able to make regulations that confer additional functions on the Chief Inspector other than those functions prescribed in section 59(2).</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
33	Section 70, page 34, after line 14, insert— () As soon as possible after publishing the statement or revised statement the Welsh Ministers must lay a copy of it before Senedd Cymru.’.	Adran 70, tudalen 34, ar ôl llinell 14, mewnosoder— () Cyn gynted â phosibl ar ôl cyhoeddi'r datganiad neu ddatganiad diwygiedig, rhaid i Weinidogion Cymru osod copi ohono gerbron Senedd Cymru.’.	Purpose – Section 70 as introduced requires the Welsh Ministers to publish a statement setting out how they propose to exercise their powers of intervention under section 68 of the Bill. This amendment places the Welsh Ministers under a duty to lay a copy of the statement of intervention prepared under section 70 before the Senedd as soon as possible after it is published. Effect – The Welsh Ministers will be required to lay a copy of the initial statement, or any revised statement, prepared under section 70 of the Bill before the Senedd as soon as possible after it is published.
34	Section 102, page 55, line 23, after ‘sources’, insert – ‘, and (a) (so far as it considers it appropriate to do so in the light of any other relevant considerations) to the desirability of maintaining any distinctive characteristics of the provider’.	Adran 102, tudalen 55, llinell 25, ar ôl ‘eraill’, mewnosoder ‘, a (a) (i'r graddau y mae'n ystyried ei bod yn briodol gwneud hynny yng ngoleuni unrhyw ystyriaethau perthnasol eraill) i ddymunoldeb cynnal unrhyw nodweddion arbennig i'r darparwr’.	Purpose – This amendment places a duty on the Commission to have regard to the desirability of maintaining any distinctive characteristics of a provider when exercising its functions under section 102 to provide financial resources to specified providers. Effect – The Commission will be required when providing financial resources for the purpose of supporting research and innovation, as far as it considers appropriate in light of any other relevant considerations, to have regard to the desirability of maintaining any distinctive characteristics of the provider to whom the financial resources are being supplied.
35	Section 104, page 56, leave out line 23.	Adran 104, tudalen 56, hepgorer llinell 24.	This amendment is consequential to amendment 7 and removes section 104(1)(d), which required the Commission to encourage the carrying out of research and innovation in Wales, due to the inclusion of equivalent provision in the section inserted by amendment 7.
36	Section 127, page 68, after line 18, insert— () section 89 (financial support for certain higher education courses),’.	Adran 127, tudalen 68, ar ôl llinell 18, mewnosoder— () adran 89 (cymorth ariannol ar gyfer cyrsiau addysg uwch penodol),’.	Purpose – To include section 89 of the Bill to the list of funding powers provided for in section 127(2) of the Bill. Effect – This amendment allows the Commission to issue a notice requiring a person, other than a registered provider, who is receiving financial resources under

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			section 89 of the Bill to provide information for the purposes of the exercise of the Commission's functions.
37	<p>Section 135, page 74, line 7, after 'under', insert 'this section may be made only if—</p> <p>(a) the higher education corporation to be dissolved has requested that an order be made, or</p> <p>(b) if there has been no such request, the higher education corporation consents to an order being made.</p> <p>(1B) But an order may be made as if consent had been given under subsection (1A)(b) if the Welsh Ministers consider that the higher education corporation—</p> <p>(a) has unreasonably withheld its consent, or</p> <p>(b) has unreasonably delayed in giving or withholding its consent.'</p> <p>(1C) An order under'.</p>	<p>Adran 135, tudalen 74, llinell 7, ar ôl 'under', mewnosoder 'this section may be made only if—</p> <p>(a) the higher education corporation to be dissolved has requested that an order be made, or</p> <p>(b) if there has been no such request, the higher education corporation consents to an order being made.</p> <p>(1B) But an order may be made as if consent had been given under subsection (1A)(b) if the Welsh Ministers consider that the higher education corporation—</p> <p>(a) has unreasonably withheld its consent, or</p> <p>(b) has unreasonably delayed in giving or withholding its consent.</p> <p>(1C) An order under'.</p>	<p>Purpose – This amends the power of the Welsh Ministers to dissolve a higher education corporation in Wales as provided for in section 128 of the Education Reform Act 1988 (the '1988 Act').</p> <p>Effect – The Welsh Ministers may only make an Order under section 128 of the 1988 Act if:</p> <ul style="list-style-type: none"> - the higher education corporation to be dissolved has requested that an order be made, or - where no request has been made, the higher education corporation consents to an order being made. <p>The Welsh Ministers may make an order without the consent of, or request by, the higher education corporation if the Welsh Ministers consider that consent has been unreasonably withheld or delayed.</p>
38	<p>Section 135, page 74, after line 26, insert—</p> <p>' () After subsection (6), insert—</p> <p>“(7) The Welsh Ministers must publish a statement setting out the circumstances in which they propose to</p>	<p>Adran 135, tudalen 74, ar ôl llinell 26, mewnosoder—</p> <p>' () Ar ôl is-adran (6) mewnosoder—</p> <p>“(7) The Welsh Ministers must publish a statement setting out the circumstances in</p>	<p>Purpose: this amendment provides for the publication, by the Welsh Ministers, of a statement setting out the circumstances in which they propose to exercise their power to make an Order to dissolve a higher education corporation in Wales under section 128 of the 1988 Act.</p> <p>Effect: The Welsh Ministers will be under a duty to publish, and keep under review a statement, setting out</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>exercise the power under this section to make an order.</p> <p>(8) The Welsh Ministers— (a) must keep the statement under review; (b) may revise it.</p> <p>(9) Before publishing the statement or a revised statement, the Welsh Ministers must consult such persons as they consider appropriate.</p> <p>(10) As soon as possible after publishing the statement or revised statement, the Welsh Ministers must lay a copy of it before Senedd Cymru.”.</p>	<p>which they propose to exercise the power under this section to make an order.</p> <p>(8) The Welsh Ministers— (a) must keep the statement under review; (b) may revise it.</p> <p>(9) Before publishing the statement or a revised statement, the Welsh Ministers must consult such persons as they consider appropriate.</p> <p>(10) As soon as possible after publishing the statement or revised statement, the Welsh Ministers must lay a copy of it before Senedd Cymru.”.</p>	<p>the circumstances in which they propose to exercise the power under section 128 of the 1988 Act to make an Order to dissolve a higher education corporation in Wales. They will have power to revise such a statement.</p> <p>The Welsh Ministers must consult such persons as they consider appropriate before publishing the statement (or revised statement) and lay a copy before the Senedd as soon as possible after publishing the statement (or revised statement).</p>
39	<p>Section 138, page 75, line 23, after ‘44(6),’, insert ‘78(1)(c) and (2)’.</p>	<p>Adran 138, tudalen 75, llinell 26, ar ôl ‘44(6)’, mewnosoder ‘, 78(1)(c) a (2)’.</p>	<p>Purpose – This amendment to section 138 alters the Senedd procedure for regulations made by the Welsh Ministers under section 78(1)(c) and section 78(2) so that they are subject to the affirmative procedure rather than the negative procedure.</p> <p>Effect – Section 78 places a duty on the Commission to monitor and report on the financial sustainability of certain tertiary education providers. Under the duty, the Commission must monitor the financial sustainability of registered providers and providers in Wales in the further education sector that are not registered but are funded by the Commission. The powers under section 78(2) enable the Welsh Ministers to make exceptions in the application of the monitoring duty for providers or types of providers in these categories. Section 78(1)(c)</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			enables the Welsh Ministers to extend the monitoring duty to other kinds of tertiary education provider not specified on the face of the Bill. This amendment will make regulations made under sections 78(1)(c) and 78(2) subject to the affirmative Senedd procedure.
40	Section 138, page 75, line 32, leave out ‘, except regulations made under section 39(6) or 41(13),’.	Adran 138, tudalen 75, llinell 35, hepgorer ‘ac eithrio rheoliadau a wneir o dan adran 39(6) neu 41(13),’.	<p>Purpose - This amendment to section 138(5) attaches a Senedd procedure to regulations made by the Welsh Ministers under section 39(6) and section 41(13). The amendment will make regulations made under these powers subject to the negative Senedd procedure.</p> <p>Effect - Section 39 and 41 require the Commission to remove a tertiary education from a category of the register if conditions specified in those sections are met. Section 39(6) and section 41(13) enable the Welsh Ministers to make regulations in respect of transitional or saving provision in connection with the removal of a tertiary education provider from a category of the register under the respective sections. This amendment will mean that any regulations made by the Welsh Ministers under sections 39(6) and 41(13) are subject to the negative Senedd procedure.</p>
41	Section 139, page 76, after line 17, insert— ‘() in relation to a school, means its proprietor within the meaning given by section 579(1) of the Education Act 1996 (c. 56);’.	Adran 139, tudalen 76, ar ôl llinell 22, mewnosoder— ‘() mewn perthynas ag ysgol, ei ystyr yw perchennog yr ysgol o fewn yr ystyr a roddir i “proprietor” gan adran 579(1) o Ddeddf Addysg 1996 (p. 56);’.	<p>Purpose – This amendment extends the definition of a governing body under section 139(1) to include provision relating to schools.</p> <p>Effect – This amendment to section 139 will ensure that schools are captured within the definition of a governing body of a tertiary education provider for the purpose of other provisions in the Bill. For example, the amendment will ensure that the general protection duty in respect of compatibility with charity law and the governing documents of a tertiary education provider under section 17 applies to schools in the same way as it does for other types of provider.</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
42	Section 139, page 77, after line 9, insert— “trade union” has the meaning given by the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).’.	Adran 139, tudalen 77, ar ôl llinell 3, mewnosoder— ‘mae i “undeb llafur” yr ystyr a roddir i “trade union” gan Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992 (p. 52);’.	This amendment is consequential on amendment 14 and provides for a definition of “trade union” for the purposes of the Bill.
43	Schedule 1, page 79, after line 22, insert— ‘ () the provision of education or training through the medium of Welsh or the promotion of such education or training.’.	Atodlen 1, tudalen 79, ar ôl llinell 22, mewnosoder— ‘ () darparu addysg neu hyfforddiant drwy gyfrwng y Gymraeg neu hybu addysg neu hyfforddiant o’r fath.’.	Purpose – Paragraph 2(2) of Schedule 1 as introduced sets out the criteria Welsh Ministers must have regard to when appointing the chair and ordinary members. They must have regard to the desirability that the Commission’s members between them have experience of and capability in the areas set out in this paragraph. This amendment adds the experience of and capability in the provision of education or training through the medium of Welsh or the promotion of such education or training. Effect – When appointing members of the Commission, the Welsh Ministers must also have regard to the chair and ordinary members’ experience and capability in the provision or promotion of education or training through the medium of Welsh.
44	Schedule 1, page 80, leave out lines 34 to 35.	Atodlen 1, tudalen 80, hepgorer llinellau 36 hyd at 38.	This amendment is consequential to amendment 42 which provides the definition of ‘trade union’ for the purposes of the Bill.
45	Schedule 1, page 84, line 27, leave out ‘the exercise of its functions under sections 102, 103 and 104 (research and innovation functions)’ and insert ‘matters relating to research and innovation’	Atodlen 1, tudalen 84, llinell 28, hepgorer ‘arfer ei swyddogaethau o dan adrannau 102, 103 a 104 (swyddogaethau ymchwil ac arloesi)’ a mewnosoder ‘faterion sy’n ymwneud ag ymchwil ac arloesi’.	Purpose – This amendment is consequential to amendment 7 which expands the Commission’s strategic duties in respect of promoting research and innovation. Effect – Under paragraph 11(1) of Schedule 1 as introduced, the Research and Innovation Committee (RIC) advised the Commission specifically on the exercise of its functions under specific sections. This has been expanded and the RIC will now advise the Commission on matters relating to research and

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			innovation to better reflect the wider duties for research and innovation set out in the Bill.
46	<p>Schedule 4, page 96, after line 3, insert— <i>‘Education (Fees and Awards) Act 1983 (c. 40)</i></p> <p>[] (1) The Education (Fees and Awards) Act 1983 is amended as follows.</p> <p>(2) In section 1 (fees at universities, further education institutions etc.), in subsection (3)—</p> <p>(a) omit paragraph (ee);</p> <p>(b) in paragraph (g), for “National Assembly for Wales” substitute “Welsh Ministers or the Commission for Tertiary Education and Research”.</p>	<p>Atodlen 4, tudalen 96, ar ôl llinell 3, mewnosoder— <i>‘Deddf Addysg (Ffioedd a Dyfardaliadau) 1983 (p. 40)</i></p> <p>[] (1) Mae Deddf Addysg (Ffioedd a Dyfardaliadau) 1983 wedi ei diwygio fel a ganlyn.</p> <p>(2) Yn adran 1 (ffioedd mewn prifysgolion, sefydliadau addysg bellach etc.), yn is-adran (3)—</p> <p>(a) hepgorer paragraff (ee);</p> <p>(b) ym mharagraff (g), yn lle “National Assembly for Wales” rhodder “Welsh Ministers or the Commission for Tertiary Education and Research”.</p>	<p>Purpose: This amendment makes consequential amendments to section (1)(3) of the Education (Fees and Awards) Act 1983. It removes reference to institutions eligible for funding by the Higher Education Funding Council for Wales under the Further and Higher Education Act 1992. Reference to institutions which receive funding from the National Assembly for Wales are also removed and replaced with institutions which receive funding from the Welsh Ministers or the Commission for Tertiary Education and Research.</p> <p>Effect: The Welsh Ministers when making regulations under the Education (Fees and Awards) Act 1983 requiring or authorising the charging of fees by certain institutions which are higher in the case of students not having a requisite connection with the UK may not reference institutions which receive funding from the Higher Education Funding Council for Wales nor the National Assembly for Wales. Instead, such regulations may reference institutions which receive funding from the Welsh Ministers or the Commission.</p>
47	<p>Schedule 4, page 99, after line 25, insert— <i>‘Education Act 1997 (c. 44)</i></p> <p>[] (1) The Education Act 1997 is amended as follows.</p> <p>(2) In Part 6, in the heading to Chapter 1, after “AUTHORITIES”, insert “IN WALES”.</p> <p>(3) In section 38 (inspection of local authorities)—</p> <p>(a) in subsection (1)—</p> <p>(i) in paragraph (b), for “the Secretary of State” substitute “the Welsh</p>	<p>Atodlen 4, tudalen 99, ar ôl llinell 26, mewnosoder— <i>‘Deddf Addysg 1997 (p. 44)</i></p> <p>[] (1) Mae Deddf Addysg 1997 wedi ei diwygio fel a ganlyn.</p> <p>(2) Yn Rhan 6, yn y pennawd i Bennod 1, ar ôl “AUTHORITIES”, mewnosoder “IN WALES”.</p> <p>(3) Yn adran 38 (arolygu awdurdodau lleol)—</p> <p>(a) yn is-adran (1)—</p> <p>(i) ym mharagraff (b), yn lle “the Secretary of State” rhodder “the Welsh Ministers or the</p>	<p>Purpose: this amendment makes consequential alterations to sections 38 and 39 of the Education Act 1997. It sets out the powers of the Welsh Ministers and the Commission for Tertiary Education and Research in respect of requesting that the Chief Inspector arrange for the inspection of a local authority.</p> <p>Effect: The Commission may request that the Chief Inspector conducts a review of a local authority regarding that local authority’s functions in relation to further education and training, as defined by section 139(2) to (5) of this Bill. It also requires that reports of such inspections are sent to the Commission.</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>Ministers or the Commission for Tertiary Education and Research (“the Commission”);</p> <p>(ii) after “authorities”, insert “in Wales”;</p> <p>(b) after subsection (2A) insert— “(2B) Where the Commission has made a request under subsection (2)(b), the review mentioned in subsection (2A) is to be of the way that the local authority is performing the functions mentioned in subsection (2A)(a) and (b) in so far as those functions relate to further education and training within the meaning of section 139(2) to (5) of the Tertiary Education and Research (Wales) Act 2022.”;</p> <p>(c) in subsection (3), for “the Secretary of State” substitute “the Welsh Ministers or the Commission”;</p> <p>(d) in subsection (4), for “the Secretary of State” substitute “the Welsh Ministers or the Commission”;</p> <p>(e) in subsection (6), after “authority”, insert “in Wales”;</p>	<p>Commission for Tertiary Education and Research (“the Commission”);</p> <p>(ii) ar ôl “authority”, mewnosoder “in Wales”;</p> <p>(b) ar ôl is-adran (2A) mewnosoder— “(2B) Where the Commission has made a request under subsection (1)(b), the review mentioned in subsection (2A) is to be of the way that the local authority is performing the functions mentioned in subsection (2A)(a) and (b) in so far as those functions relate to further education and training within the meaning of section 139(2) to (5) of the Tertiary Education and Research (Wales) Act 2022.”;</p> <p>(c) yn is-adran (3), yn lle “the Secretary of State” rhodder “the Welsh Ministers or the Commission”;</p> <p>(d) yn is-adran (4), yn lle “the Secretary of State” rhodder “the Welsh Ministers or the Commission”;</p> <p>(e) yn is-adran (6), ar ôl “authority”, mewnosoder “in Wales”;</p>	

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<p>(f) in the heading, after “authorities”, insert “in Wales”.</p> <p>(4) In section 39 (report of inspection of local authority and action plan), in subsection (1)—</p> <p>(a) omit the “and” at the end of paragraph (a);</p> <p>(b) for paragraph (b) substitute— “(b) the Welsh Ministers, and (c) where the matters reviewed relate to further education and training within the meaning of section 139(2) to (5) of the Tertiary Education and Research (Wales) Act 2022, the Commission for Tertiary Education and Research.”.</p>	<p>(f) yn y pennawd, ar ôl “authorities”, mewnosoder “in Wales”.</p> <p>(4) Yn adran 39 (adroddiad arolygu awdurdod lleol a'r cynllun gweithredu), yn is-adran (1)—</p> <p>(a) hepgorer yr “and” ar ddiwedd paragraff (a);</p> <p>(b) yn lle paragraff (b) rhodder— “(b) the Welsh Ministers, and (c) where the matters reviewed relate to further education and training within the meaning of section 139(2) to (5) of the Tertiary Education and Research (Wales) Act 2022, the Commission for Tertiary Education and Research.”.</p>	
48	Schedule 4, page 107, line 34, leave out ‘rationalise’ and insert ‘restructure’.	Atodlen 4, tudalen 107, llinell 34, hepgorer ‘resymoli’ a mewnosoder ‘ailstrwythuro’.	This amendment is consequential on amendment 50 and reflects the altered wording used in the heading of the new Chapter 3A inserted into the School Standards and Organisation (Wales) Act 2013 (the ‘2013 Act’) by the Bill.
49	Schedule 4, page 108, line 12, leave out ‘, omit paragraph (a); (b) omit subsection (2).’ and insert ‘after “education” insert “and an objection has been made to the proposals in accordance with section 49(2) and has not been withdrawn in writing before the end of 28 days beginning with the end of the objection period”.’.	Atodlen 4, tudalen 108, llinell 12, hepgorer ‘, hepgorer paragraff (a); (b) hepgorer is-adran (2).’ a mewnosoder ‘ar ôl “dosbarth” mewnosoder “ac os yw gwrthwynebiad wedi ei wneud i'r cynigion yn unol ag adran 49(2) ac os nad yw wedi ei dynnu yn ôl yn ysgrifenedig cyn diwedd 28 o ddiwrnodau gan ddechrau ar ddiwedd y cyfnod gwrthwynebu”.’.	<p>Purpose: Schedule 4 to the Bill, as introduced, amended section 50 of the School Standards and Organisation (Wales) Act 2013 omitting subsections (1)(a) and (2) and thereby removing the duty on the Welsh Ministers to approve proposals affecting sixth form education.</p> <p>Effect: Amendment 49 alters the amendment to subsection (1)(a) and removes the amendment which omits subsection (2).</p>

REF	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
			<p>This provides that where a local authority or the governing body of a voluntary or foundation school publishes, under section 48 of the 2013 Act, proposals affecting sixth form education, and an objection is received in accordance with section 49(2) of that Act (and not withdrawn in writing within the specified timeframe) the proposal requires the approval of the Welsh Ministers.</p> <p>Proposals affecting sixth form education are defined by section 50(2) of the 2013 Act.</p>
50	Schedule 4, page 109, line 2, leave out 'THE RATIONALISATION OF' and insert 'RESTRUCTURING'.	Atodlen 4, tudalen 109, llinell 2, hepgorer 'RESYMOLI' a mewnosoder 'AILSTRWYTHURO'.	This amendment provides for a drafting change in the heading of the new Chapter 3A inserted into the 2013 Act by the Bill. This amendment has no impact of the effect of the provisions