



# Qualifications Wales Act 2015

2015 anaw 5

## QUALIFICATIONS WALES ACT 2015

### **PART 1**

#### OVERVIEW

- 1 Overview

### **PART 2**

#### ESTABLISHMENT AND PRINCIPAL AIMS OF QUALIFICATIONS WALES

- 2 Establishment of Qualifications Wales
- 3 Principal aims of Qualifications Wales

### **PART 3**

#### RECOGNITION OF AWARDING BODIES

##### *General*

- 4 Recognition of awarding bodies

##### *Recognition criteria*

- 5 Duty to set general recognition criteria
- 6 Power to set qualification specific recognition criteria
- 7 Revision of general and qualification specific recognition criteria

##### *Recognition of awarding bodies*

- 8 General recognition of an awarding body
- 9 Qualification specific recognition of an awarding body
- 10 Rules about applications for recognition
- 11 Further provision about recognition
- 12 Recognition: interpretation

## PART 4

### PRIORITY QUALIFICATIONS AND APPROVAL OF QUALIFICATIONS

#### *Priority qualifications*

- 13 Duty to prepare list of priority qualifications
- 14 Restricted priority qualifications
- 15 Power to make arrangements for development of restricted priority qualification
- 16 Approval of a restricted priority qualification developed in accordance with section 15 arrangements
- 17 Approval of a restricted priority qualification in the absence of section 15 arrangements
- 18 Approval of unrestricted priority qualifications

#### *Other qualifications*

- 19 Approval of qualifications that are not priority qualifications

#### *Approval criteria*

- 20 Approval criteria

#### *Power for Welsh Ministers to specify minimum requirements*

- 21 Power to specify minimum requirements

#### *Supplementary provision relevant to all approvals*

- 22 Conditions of approval
- 23 Duration of approval
- 24 Rules about applications for approval

#### *Surrender and withdrawal of approval*

- 25 Surrender of approval
- 26 Transitional provision in connection with surrender of approval
- 27 Withdrawal of approval
- 28 Transitional provision in connection with withdrawal of approval

## PART 5

### DESIGNATION OF OTHER QUALIFICATIONS

- 29 Designation of other qualifications
- 30 Further provision about section 29 designations
- 31 Transitional provision in connection with section 29 designations
- 32 Revocation of section 29 designations
- 33 Rules about applications for designation

## PART 6

### FURTHER PROVISION RELEVANT TO RECOGNITION, APPROVAL AND DESIGNATION

#### *Funding etc of certain courses*

- 34 Restriction on funding and provision of certain courses

*Delineation of roles of Qualifications Wales and Ofqual*

- 35 Award in Wales of an approved qualification: restriction on application of conditions imposed by Ofqual
- 36 Restriction on application of conditions imposed by Qualifications Wales

**PART 7**

ENFORCEMENT POWERS OF QUALIFICATIONS WALES

- 37 Power to give directions
- 38 Power to impose monetary penalties
- 39 Monetary penalties: appeals
- 40 Monetary penalties: interest
- 41 Costs recovery for imposition of sanctions
- 42 Costs recovery: appeals
- 43 Costs: interest
- 44 Entry and inspection of premises

**PART 8**

SUPPLEMENTARY

*Commercial activities*

- 45 Provision of services etc by Qualifications Wales

*Review and research*

- 46 Review and research

*Subsidiary functions*

- 47 Policy statement and statement about consultation
- 48 Complaints
- 49 Charging scheme
- 50 Grants
- 51 Provision of information or advice
- 52 Joint working
- 53 Duty to have regard to government policy and other matters
- 54 Performance of regulatory activities by Qualifications Wales

**PART 9**

GENERAL

- 55 Regulations
- 56 Interpretation of references to “qualification”
- 57 General interpretation and index of defined expressions
- 58 Consequential amendments
- 59 Power to make consequential and transitional provision etc
- 60 Coming into force
- 61 Short title and inclusion as one of the Education Acts

*Status: This is the original version (as it was originally enacted).*

---

## PART 1 — ESTABLISHMENT OF QUALIFICATIONS WALES

- 1 Status
- 2 Membership
- 3 The chair and ordinary members
- 4 (1) A person is disqualified from being the chair or...
- 5 (1) The chair is to be appointed for a term...
- 6 (1) Ordinary members are to be appointed for a term...
- 7 The chair or an ordinary member may resign from office...
- 8 The Welsh Ministers may remove the chair or an ordinary...
- 9 Qualifications Wales may, with the Welsh Ministers' approval, pay or...
- 10 The chief executive and other staff
- 11 A person may not be appointed as chief executive if...
- 12 The previous appointment of a person as chief executive does...
- 13 The chief executive is a member of Qualifications Wales' staff....
- 14 Qualifications Wales may appoint other members of staff.
- 15 Except in relation to the first person appointed as chief...
- 16 Service as a member of Qualifications Wales' staff is not...
- 17 Committees
- 18 (1) Qualifications Wales may, in connection with the exercise of...
- 19 Delegation
- 20 (1) A committee established by Qualifications Wales under paragraph 17...
- 21 (1) A joint committee may delegate any of its functions...
- 22 Procedure
- 23 A committee established by Qualifications Wales under paragraph 17 may...
- 24 A joint committee may regulate— (a) its own procedure (including...
- 25 The validity of proceedings of Qualifications Wales, of a committee...
- 26 Register of interests
- 27 Supplementary powers
- 28 Annual and other reports
- 29 Qualifications Wales must— (a) lay a copy of the annual...
- 30 Qualifications Wales may if it thinks fit prepare and publish...
- 31 Finance
- 32 Accounts and audit
- 33 (1) No later than 31 August after the end of...
- 34 In paragraphs 32 and 33 “financial year” means—
- 35 Examination of use of resources

## PART 2 — CONSEQUENTIAL AMENDMENTS

- 36 Care Standards Act 2000 (c.14)
- 37 Freedom of Information Act 2000 (c.36)
- 38 Public Services Ombudsman (Wales) Act 2005 (c.10)
- 39 Commissioner for Older People (Wales) Act 2006 (c.30)
- 40 Equality Act 2010 (c.15)

## SCHEDULE 2 — TRANSFERS OF PROPERTY AND STAFF TO QUALIFICATIONS WALES

- 1 (1) The Welsh Ministers may make one or more schemes...
- 2 A transfer scheme may provide— (a) for modification by agreement;...
- 3 For the purposes of this Schedule— (a) an individual who...
- 4 In this Schedule— “civil service” (“gwasanaeth sifil”) means the civil...
- 5 The Welsh Ministers must lay a copy of a transfer...

### SCHEDULE 3 — FURTHER PROVISION ABOUT RECOGNITION OF AWARDING BODIES

- 1 Duration of recognition
- 2 Standard conditions of recognition
- 3 (1) Qualifications Wales may revise the standard conditions; and if...
- 4 Special conditions to which recognition may be subject
- 5 (1) Qualifications Wales may revise or revoke a special condition....
- 6 Fee capping conditions
- 7 Qualifications Wales may impose a fee capping condition only if...
- 8 Procedure for imposing fee capping conditions
- 9 (1) If Qualifications Wales decides to impose the fee capping...
- 10 Review of fee capping conditions
- 11 Revision of fee capping conditions
- 12 Transfer conditions
- 13 (1) If Qualifications Wales proposes to give a direction to...
- 14 (1) If Qualifications Wales decides to give the direction, it...
- 15 If Qualifications Wales gives a direction to an awarding body...
- 16 Review of decision to give direction
- 17 Surrender of recognition
- 18 Transitional provision in respect of surrender
- 19 Withdrawal of recognition
- 20 Procedure for withdrawal of recognition
- 21 (1) If Qualifications Wales decides to withdraw recognition, it must...
- 22 Review of decision to withdraw recognition
- 23 Transitional provision in respect of withdrawal

### SCHEDULE 4 — CONSEQUENTIAL AMENDMENTS

- 1 Education Act 1996 (c.56)
- 2 Education Act 1997 (c.44)
- 3 Learning and Skills Act 2000 (c.21)
- 4 Education Act 2002 (c.32)
- 5 National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238)
- 6 Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239)
- 7 Government of Wales Act 2006 (c.32)
- 8 Education and Skills Act 2008 (c.25)
- 9 Apprenticeships, Skills, Children and Learning Act 2009 (c.22)
- 10 Education Act 2011 (c.21)
- 11 Counter-Terrorism and Security Act 2015 (c.6)