



Qualifications Wales Act 2015

2015 anaw 5

PART 5

DESIGNATION OF OTHER QUALIFICATIONS

29 Designation of other qualifications

- (1) Qualifications Wales may, on application under subsection (2), designate a form of qualification under this section.
- (2) An application under this subsection is an application by a recognised body to Qualifications Wales for a form of qualification—
 - (a) offered by it, and
 - (b) in respect of which it is recognised, to be designated under this section.
- (3) Qualifications Wales may not designate a form of qualification under this section unless it is satisfied that the following conditions are met.
- (4) The conditions are that—
 - (a) it would be appropriate for a course of education or training that is within section 34(2) and that leads to the award of the form of qualification to be publicly funded, and
 - (b) it is currently appropriate, with a view to permitting that public funding, to designate the form of qualification under this section rather than approve it under Part 4.
- (5) For the purposes of subsection (4)(a) a course of education or training is publicly funded if it is funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales (within the meaning given by section 34(12)).
- (6) The reference in subsection (4)(a) to a course of education or training is a reference to a specific course of education or training or to such courses generally.

- (7) In this Part, references to a section 29 designation are to a designation of a form of a qualification under this section.

30 Further provision about section 29 designations

- (1) If Qualifications Wales makes a section 29 designation, it must specify the date from which the designation has effect and the date with the expiry of which it ceases to have effect.
- (2) A section 29 designation ceases to have effect—
- (a) if the awarding body in respect of which the form of qualification in question is designated ceases to be recognised in respect of that form of qualification, at the same time as that recognition ceases to have effect (for which see paragraph 1(2) of Schedule 3);
 - (b) if the form of qualification in question is approved under Part 4, from the coming into effect of the approval as specified under section 23 (but see section 31).
- (3) Subsection (4) applies where a form of a qualification is designated under section 29 and the qualification is a restricted priority qualification (for which see section 14).
- (4) The section 29 designation referred to in subsection (3) ceases to have effect from the coming into effect of the first approval of any form of the restricted priority qualification under section 16 or 17 as specified under section 23 (but see section 31).
- (5) If a section 29 designation ceases to have effect in accordance with subsection (2) or (4), Qualifications Wales must give the awarding body concerned notice of the date from which the designation ceases to have effect.
- (6) Qualifications Wales may specify that a section 29 designation is to have effect for specific purposes, including by reference to the circumstances in which the qualification is awarded and the person or description of person to whom the qualification may be awarded.
- (7) A section 29 designation must be published by Qualifications Wales.

31 Transitional provision in connection with section 29 designations

- (1) If Qualifications Wales considers it appropriate to do so for the purpose of avoiding prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain a form of qualification that has been designated under section 29, it may make provision that is within subsection (2).
- (2) Provision within this subsection is provision to the effect that, despite section 30(2) (b) or (4), a form of qualification designated under section 29 is to be treated, for purposes specified by Qualifications Wales, as being designated under section 29 until the expiry of a date specified by Qualifications Wales.

32 Revocation of section 29 designations

- (1) Qualifications Wales may revoke a section 29 designation.

- (2) Before revoking a section 29 designation, Qualifications Wales must give the recognised body in respect of which the form of qualification in question is designated notice of its intention to do so.
- (3) The notice must—
 - (a) explain why Qualifications Wales proposes to revoke the section 29 designation, and
 - (b) specify when Qualifications Wales proposes to decide whether to revoke the section 29 designation.
- (4) In deciding whether to revoke a section 29 designation, Qualifications Wales must have regard to any representations made by the recognised body.
- (5) If Qualifications Wales decides to revoke a section 29 designation, it must give notice to the recognised body of the decision explaining when the revocation is to take effect.
- (6) The revocation is to take effect on 1 September falling in the year after the decision to revoke has been made but the revocation applies only in relation to a learner starting a course of education or training on or after that date.
- (7) The notice under subsection (5) must be given—
 - (a) if the decision to revoke is made on 31 December, on that day, or
 - (b) if the decision to revoke is made on any other day, promptly and in any event on or before the 31 December following the decision.
- (8) Notice of a decision to revoke a section 29 designation must be published by Qualifications Wales.

33 Rules about applications for designation

- (1) Qualifications Wales must make rules about the making of applications to it under section 29.
- (2) The rules may make different provision for different purposes.
- (3) The rules may make provision about—
 - (a) the form and contents of applications;
 - (b) the way in which applications are to be made (including as to any fee payable in respect of an application).
- (4) The rules made under this section must be published by Qualifications Wales.