



# Qualifications Wales Act 2015

2015 anaw 5

## PART 9

### GENERAL

#### 57 General interpretation and index of defined expressions

- (1) The provisions of this Act and those of the [Education Act 1996 \(c.56\)](#) are to be read as if they were all contained in the Education Act 1996 (but this is subject to subsection (2)).
- (2) Where for the purposes of any provision of this Act an expression is given a meaning different from that given to it in the [Education Act 1996 \(c.56\)](#), that meaning is to apply for the purposes of that provision, instead of the meaning given for the purposes of the [Education Act 1996 \(c.56\)](#).

(3) In this Act—

“approved qualification” (“*cymhwyster a gymeradwywyd*”) means a form of a qualification approved by Qualifications Wales under Part 4 (priority qualifications and approval of qualifications);

“assessment arrangements” (“*trefniadau asesu*”), in relation to a qualification, means arrangements for assessing relevant skills, knowledge and understanding in relation to the qualification;

“awarding body” (“*corff dyfarnu*”) means a person who awards, or proposes to award, a qualification;

“company” (“*cwmni*”) means a company as defined in section 1(1) of the [Companies Act 2006 \(c.46\)](#);

“fee capping condition” (“*amod capio ffioedd*”) has the meaning given in paragraph 6 of Schedule 3;

“general recognition criteria” (“*meini prawf cydnabod cyffredinol*”) has the meaning given in section 5(1);

“higher education institution” (“*sefydliad addysg uwch*”) means an institution within the higher education sector;

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*Status: This is the original version (as it was originally enacted).*

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“learners” (“*dysgwyr*”) means persons who are seeking to obtain, or who might reasonably be expected to seek to obtain, qualifications;

“learning provider” (“*darparwr dysgu*”) means a person by whom education or training leading to a qualification is provided;

“monetary penalty” (“*cosb ariannol*”) has the meaning given in section 38(3);

“notice” (“*hysbysiad*”) means notice in writing;

the “principal aims” (“*prifnodau*”) of Qualifications Wales means the aims listed in section 3(1);

“priority qualification” (“*cymhwyster blaenoriaethol*”) has the meaning given in section 13(6);

“qualification” (“*cymhwyster*”) has the meaning given in section 56;

“qualification specific recognition criteria” (“*meini prawf cydnabod sy’n benodol i gymhwyster*”) has the meaning given in section 6(1);

“recognised body” (“*corff cydnabyddedig*”) has the meaning given in section 12(2);

“recognition” (“*cydnabyddiaeth*”) has the meaning given in section 12(2);

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;

“relevant knowledge, skills or understanding” (“*yr wybodaeth berthnasol, y sgiliau perthnasol neu’r ddealltwriaeth berthnasol*”), in relation to a qualification, are the knowledge, skills or understanding required to be demonstrated for the purpose of determining whether a person is to be awarded the qualification;

“restricted priority qualification” (“*cymhwyster blaenoriaethol cyfyngedig*”) has the meaning given in section 13(6);

“special condition” (“*amod arbennig*”) has the meaning given in paragraph 4 of Schedule 3;

“transfer condition” (“*amod trosglwyddo*”) has the meaning given in paragraph 12 of Schedule 3;

“unrestricted priority qualification” (“*cymhwyster blaenoriaethol anghyfyngedig*”) has the meaning given in section 13(6);

“Welsh qualification system” (“*system gymwysterau Cymru*”) has the meaning given in section 3(3).

- (4) For the purposes of this Act a person is assessed wholly or mainly in Wales, in respect of a qualification, only if the activities carried out by the person for the purposes of demonstrating relevant knowledge, skills or understanding are carried out wholly or mainly in Wales.
- (5) A person has a learning difficulty, for the purposes of this Act, if the person—
- (a) has special educational needs, or
  - (b) has a significantly greater difficulty in learning than the majority of persons of the person’s age, or
  - (c) has a disability that either prevents or hinders the person from making use of educational facilities of a kind generally provided for persons of the same age.
- (6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a

language (or form of language) which has at any time been spoken in the person's home.

- (7) References in this Act to a body's being recognised in respect of a qualification are to be construed in accordance with section 12.
- (8) References in this Act to the award of a form of qualification as an approved qualification are to be construed in accordance with section 22(4).