



Qualifications Wales Act 2015

2015 anaw 5

PART 4

PRIORITY QUALIFICATIONS AND APPROVAL OF QUALIFICATIONS

Surrender and withdrawal of approval

25 Surrender of approval

- (1) An awarding body may give notice to Qualifications Wales that it wishes approval of a form of a qualification awarded by it to cease to have effect (a “surrender notice”).
- (2) A surrender notice must specify the date with the expiry of which the body wishes the approval to cease to have effect.
- (3) As soon as reasonably practicable after receipt of a surrender notice, Qualifications Wales must give notice to the awarding body (an “acknowledgement of surrender”) providing that the approval is to cease to have effect with the expiry of the date specified in the surrender notice or, if Qualifications Wales thinks appropriate, with the expiry of a different date.
- (4) If the acknowledgement of surrender specifies that the approval is to cease to have effect with the expiry of a different date from that specified in the surrender notice, the acknowledgement of surrender must give reasons for this.
- (5) The approval ceases to have effect with the expiry of the date specified in the acknowledgement of surrender.
- (6) In determining whether the approval is to cease to have effect with the expiry of the date specified in the surrender notice, or with the expiry of a different date, Qualifications Wales is to have regard to—
 - (a) the need to avoid prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain the form of the qualification concerned;
 - (b) the body’s wish that approval should cease to have effect with the expiry of the date specified in the surrender notice.

26 Transitional provision in connection with surrender of approval

- (1) This section applies for the purposes of an acknowledgement of surrender under section 25.
- (2) 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 the form of the qualification concerned, it may make provision in the acknowledgement of surrender that is within subsection (3).
- (3) Provision within this subsection is provision to the effect that, from the expiry of the surrender date until the expiry of the extension date, the form of the qualification is to be treated, for purposes specified by Qualifications Wales in the acknowledgement of surrender, as being approved under this Part by Qualifications Wales for award by the body concerned.
- (4) If Qualifications Wales makes provision within subsection (3)—
 - (a) it must give reasons for this in the acknowledgement of surrender, and
 - (b) the form of the qualification is to be treated, from the expiry of the surrender date, for the purposes specified in the acknowledgement of surrender, and until the expiry of the extension date, as being approved under this Part for award by the body concerned.
- (5) In this section—

“extension date” (*“dyddiad estyn”*) means a date specified by Qualifications Wales in the acknowledgement of surrender for the purposes of this section;

“surrender date” (*“dyddiad ildio”*) means the date specified by Qualifications Wales in the acknowledgement of surrender as being the date from the expiry of which the approval is to cease to have effect.

27 Withdrawal of approval

- (1) Qualifications Wales may withdraw approval under this Part of a form of a qualification if it is satisfied that—
 - (a) a condition to which the approval is subject has not been complied with,
 - (b) the body by which the form of the qualification is awarded has ceased to be recognised in respect of the award of the qualification concerned, or
 - (c) in the case of an approval of a form of a qualification granted under section 18 or 19, the qualification concerned has become a restricted priority qualification.
- (2) Before withdrawing approval, Qualifications Wales must give the awarding body concerned notice of its intention to do so.
- (3) The notice must—
 - (a) explain why Qualifications Wales proposes to withdraw approval, and
 - (b) specify when Qualifications Wales proposes to decide whether to withdraw approval.
- (4) In deciding whether to withdraw approval, Qualifications Wales must have regard to any representations made by the awarding body.

- (5) If Qualifications Wales decides to withdraw approval, it must give notice to the awarding body of the decision, specifying the date with the expiry of which withdrawal of approval will take effect (the “withdrawal date”).
- (6) At any time before the withdrawal date, Qualifications Wales may, with the agreement of the awarding body concerned, give notice to the body varying the date on which withdrawal is to take effect.
- (7) Where notice under subsection (6) is given, the date specified in the notice as the withdrawal date is to be treated, as from the date on which the notice is given, as being the withdrawal date for the purposes of any further notice under that subsection.
- (8) In determining a date for the purposes of this section, Qualifications Wales is to have regard to the need to avoid prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain the form of the qualification.

28 Transitional provision in connection with withdrawal of approval

- (1) This section applies for the purposes of notice under section 27(5).
- (2) 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 the form of the qualification concerned, it may make provision in the notice that is within subsection (3).
- (3) Provision within this subsection is provision to the effect that, from the expiry of the withdrawal date until the expiry of the extension date, the form of the qualification is to be treated, for purposes specified by Qualifications Wales in the notice, as being approved under this Part by Qualifications Wales for award by the body concerned.
- (4) If Qualifications Wales makes provision within subsection (3)—
 - (a) it must give reasons for this in the notice, and
 - (b) the form of the qualification is to be treated, from the expiry of the withdrawal date, for the purposes specified in the notice, and until the expiry of the extension date, as being approved under this Part for award by the body concerned.
- (5) In this section—
 - “extension date” (“*dyddiad estyn*”) means a date specified by Qualifications Wales in the notice for the purposes of this section;
 - “withdrawal date” (“*dyddiad tynnu’n ôl*”) means the date specified by Qualifications Wales in the notice as being the date from the expiry of which withdrawal of approval is to take effect.