

SCHEDULES

SCHEDULE 12

OFQUAL AND THE QCDA: MINOR AND CONSEQUENTIAL AMENDMENTS

Education Act 1997 (c. 44)

19 After section 32A insert—

“32B Power of Welsh Ministers to withdraw recognition

- (1) Subsection (2) applies if a recognised person has failed to comply with any condition subject to which the recognition has effect.
- (2) The Welsh Ministers may withdraw recognition from the recognised person in respect of the award or authentication of a specified qualification or a specified description of qualification if it appears to them that the failure mentioned in subsection (1) prejudices or would be likely to prejudice—
 - (a) the proper award or authentication by the person of the qualification or a qualification of the description in question, or
 - (b) persons who might reasonably be expected to seek to obtain the qualification or a qualification of the description in question awarded or authenticated by the person.
- (3) Subsection (4) applies if a recognised person who awards or authenticates a qualification accredited by the Welsh Ministers has failed to comply with any condition subject to which the accreditation has effect.
- (4) The Welsh Ministers may withdraw recognition from the recognised person in respect of the qualification if it appears to them that the failure mentioned in subsection (3) prejudices or would be likely to prejudice—
 - (a) the proper award or authentication by the person of the qualification, or
 - (b) persons who might reasonably be expected to seek to obtain the qualification.
- (5) Before withdrawing recognition from a recognised person in any respect the Welsh Ministers must give notice to the person of their intention to do so.
- (6) The notice must—
 - (a) set out the Welsh Ministers’ reasons for proposing to withdraw recognition from the recognised person in the respect in question, and
 - (b) specify the period during which, and the way in which, the recognised person may make representations about the proposal.

Status: This is the original version (as it was originally enacted).

- (7) The Welsh Ministers must have regard to any representations made by the recognised person during the period specified in the notice in deciding whether to withdraw recognition from the person in the respect in question.
- (8) If the Welsh Ministers decide to withdraw recognition from a recognised person they must give notice to the person of their decision and of the date on which the withdrawal is to take effect.
- (9) At any time before a withdrawal takes effect the Welsh Ministers may vary the date on which it is to take effect by giving further notice to the recognised person.
- (10) The Welsh Ministers must establish arrangements for the review, at the request of a recognised person, of a decision to withdraw recognition under this section.
- (11) The arrangements established under subsection (10) may require or permit the decision on review to be made by a person other than the Welsh Ministers.”

“32C Surrender of recognition

- (1) A recognised person may give notice to the Welsh Ministers that the person wishes to cease to be recognised in respect of the award or authentication of a specified qualification or description of qualification.
- (2) As soon as reasonably practicable after receipt of a notice under subsection (1) the Welsh Ministers must give notice to the recognised person of the date on which the person is to cease to be recognised in the respect in question (“the surrender date”).
- (3) At any time before the surrender date the Welsh Ministers may vary that date by giving further notice to the recognised person.
- (4) In deciding or varying the surrender date the Welsh Ministers must have regard to the need to avoid prejudicing persons who are seeking, or might reasonably be expected to seek, to obtain the qualification, or a qualification of the description, specified in the notice under subsection (1).”