

SCHEDULE 1

Article (1)

Consequential Amendments to Primary Legislation

Superannuation Act 1972 (c. 11)

1. In Schedule 1 to the Superannuation Act 1972 (kinds of employment etc. referred to in Section 1 of that Act), in the list of other bodies omit “The Qualifications, Curriculum and Assessment Authority for Wales”.

House of Common Disqualification Act 1975 (c. 24)

2. In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) omit “Any member of the Qualifications, Curriculum and Assessment Authority for Wales constituted under section 27 of the Education Act 1997 in receipt of remuneration.”

Race Relations Act 1976 (c. 74)

3. In Part 2 of Schedule 1A to the Race Relations Act 1976 (bodies and other persons added after commencement of general statutory duty) omit “The Qualifications, Curriculum and Assessment Authority for Wales.”

Charities Act 1993 (c. 10)

4. In Schedule 2 to the Charities Act 1993 (exempt charities) omit paragraph (f).

Education Act 1996 (c. 56)

5. In section 391(10)(b) of the Education Act 1996, (functions of advisory councils) for “the Qualifications, Curriculum and Assessment Authority for Wales” substitute “the National Assembly for Wales”.

Education Act 1997 (c. 44)

6. The Education Act 1997 is amended as follows.

7. In section 24 (functions of the Qualifications and Curriculum Authority in relation to external vocational and academic qualifications) omit subsection (3).

8. For the heading to Chapter 2, substitute “Functions of the National Assembly for Wales”.

9. Omit section 27 (the Qualifications, Curriculum and Assessment Authority for Wales), and the cross-heading immediately before it.

10. In the cross-heading immediately preceding section 28 and in the heading to section 28 for “Authority” substitute “National Assembly for Wales”.

11. In section 28 (general functions of Authority to advance education and training)—

(a) in subsection (1)—

(i) for “Qualifications, Curriculum and Assessment Authority for Wales” substitute “National Assembly for Wales”;

(ii) for “the Authority” substitute “the National Assembly for Wales”.

(b) in subsection (2)—

(i) for “The Authority” substitute “The National Assembly for Wales”;

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- (ii) for “their functions” substitute “its functions”;
 - (iii) for “they have” substitute “it has”.
- 12.** In the heading to section 29, for “Authority” substitute “National Assembly for Wales.”
- 13.** In section 29 (functions of the Authority in relation to curriculum and assessment)—
- (a) in subsection (1) for “The Qualifications, Curriculum and Assessment Authority for Wales” substitute “The National Assembly for Wales.”
 - (b) in subsection (2)—
 - (i) omit paragraph (b);
 - (ii) omit paragraph (c).
- 14.** In the heading to section 30, for “Authority” substitute “National Assembly for Wales”.
- 15.** In section 30 (functions of the Authority in relation to external vocational and academic qualifications)—
- (a) for subsection (1) substitute—

“This section applies for the purposes of the following functions with respect to external qualifications in relation to Wales—

 - (i) to keep under review all aspects of such qualifications;
 - (ii) to provide support and advice to persons providing courses leading to such qualifications with a view to establishing and maintaining high standards in the provision of such courses;
 - (iii) to publish and disseminate, and assist in the publication and dissemination of, information relating to such qualifications;
 - (iv) to develop and publish criteria for the accreditation of such qualifications;
 - (v) to accredit, where they meet such criteria, any such qualifications submitted for accreditation;
 - (vi) to make arrangements (whether or not with others) for the development, setting or administration of tests or tasks which fall to be undertaken with a view to obtaining such qualifications and which fall within a prescribed description.”;
 - (b) after subsection (1) insert—
 - “(1A) In subsection (1) (d)— “criteria” includes criteria that are to be applied for the purpose of ensuring that the number of different accredited qualifications in similar subject areas or serving similar functions is not excessive; and paragraph (e) of that subsection is to be construed accordingly.”;
 - (1B) Subject to subsection (2), with respect to external qualifications other than National Vocational Qualifications, the functions set out in subsection (1) are exercisable solely by the National Assembly for Wales.
 - (1C) Subject to subsection (2), with respect to National Vocational Qualifications—
 - (i) the functions specified in subsections (1)(a) to (d) are exercisable concurrently by the National Assembly for Wales and the Qualifications and Curriculum Authority;
 - (ii) the functions specified in subsection 1(e) and (f) are exercisable solely by the Qualifications and Curriculum Authority.”
 - (c) for subsection (2) substitute—

- “(2) The National Assembly for Wales may by order prescribe that—
- (i) a function specified in subsection (1) which is for the time being exercisable solely by the Assembly shall be exercised concurrently by the Assembly and the Qualifications and Curriculum Authority;
 - (ii) such a function which is for the time being exercisable solely by the Qualifications and Curriculum Authority shall be exercised either concurrently by that Authority and the Assembly or solely by the Assembly;
 - (iii) such a function which is for the time being exercisable concurrently by the Qualifications and Curriculum Authority and the Assembly shall be exercised solely by the Assembly.”

(d) omit subsection (4).

16. Omit section 31 (Other functions of the Authority).

17. In the heading to section 32, for “Authority of their functions” substitute “the National Assembly for Wales of its functions”.

18. In section 32 (supplementary provisions relating to discharge by Authority of their functions)

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- (a) in subsection (1)—
 - (i) for “their functions” substitute “its functions”;
 - (ii) for “the Qualifications, Curriculum and Assessment Authority for Wales” substitute “the National Assembly for Wales”;
 - (iii) omit paragraphs (a) and (b);
 - (b) in subsection (2)—
 - (i) for “the Authority” substitute “the National Assembly for Wales”;
 - (ii) for “to them” substitute “to it”.
 - (c) in subsection (3)—
 - (i) for “their functions” substitute “its functions”;
 - (ii) for “the Authority accredit” substitute “the Assembly accredits”;
 - (iii) in both places for “they may” substitute “it may”;
 - (d) in subsection (3A)—
 - (i) for “the Authority accredit” substitute “the National Assembly for Wales accredits”;
 - (ii) in both places for “they may” substitute “it may”;
 - (e) in subsection (4)(b)—
 - (i) for “the Authority” substitute “the National Assembly for Wales”;
 - (ii) for “themselves” substitute “itself”.
 - (f) after subsection (4) insert—

“(4A) Where authorised to do so under paragraph 2(3) of Schedule 4, the National Assembly for Wales may act as agent for the Qualifications and Curriculum Authority in connection with the exercise of any of that Authority’s functions in relation to Wales.”.
 - (g) omit subsection (5).

19. In the heading to section 32A, for “Authority” substitute “National Assembly for Wales”.

20. In section 32A (power of authority to give directions)—

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- (a) in subsection (1)—
 - (i) for “the Qualifications, Curriculum and Assessment Authority for Wales” substitute “the National Assembly for Wales”;
 - (ii) for “the Authority” in each place substitute “the National Assembly for Wales”.
 - (b) in subsection (3) for “the Qualifications, Curriculum and Assessment Authority for Wales” substitute “the National Assembly for Wales.”
- 21.** In section 35 (transfer of staff) in subsection (1)(b)—
- (a) omit “, or (as the case may be) the Qualifications, Curriculum and Assessment Authority for Wales,”;
 - (b) for “the Authority as respects which he is designated by the order” substitute “the Qualifications and Curriculum Authority”.
- 22.** In the heading to section 36, for “Authority” substitute “body”.
- 23.** In section 36 (levy on bodies awarding qualifications accredited by relevant Authority)—
- (a) in subsection (1) for “Authority” in both places, substitute “body”;
 - (b) in subsection (2)(c) for “Authority” substitute “body”;
 - (c) in subsection (3)—
 - (i) for “the relevant Authority” substitute “the relevant body”;
 - (ii) for “that Authority” substitute “that relevant body”;
 - (d) in subsection (4)—
 - (i) for “relevant Authority” substitute “relevant body”;
 - (ii) in paragraph (b) for “the Qualifications, Curriculum and Assessment Authority for Wales” substitute “the National Assembly for Wales”;
 - (iii) in paragraph (b) for “that Authority” substitute “the Assembly”.
- 24.** Schedule 4 is amended as follows—
- (a) in paragraph 2(3) for “the Qualifications, Curriculum and Assessment Authority for Wales” substitute “the National Assembly for Wales”;
 - (b) for paragraph 15(1)(b) substitute—
 - “(b) a representative of the National Assembly for Wales,”;
 - (c) in paragraph 15(2) for “the chairman of the Qualifications, Curriculum and Assessment Authority for Wales” substitute “the National Assembly for Wales”.
- 25.** Omit Schedule 5.

Government of Wales Act 1998 (c. 38)

- 26.** The Government of Wales Act 1998 is amended as follows.
- 27.** In section 118(2) (meaning of “Welsh public records”) omit paragraphs (b) and (j).
- 28.** In Part 1 of Schedule 4 (bodies which may lose or gain functions) omit paragraph 9.

Care Standards Act 2000 (c. 14)

- 29.** In Schedule 2A to the Care Standards Act 2000 (persons subject to review by the Children’s Commissioner under section 72B) omit paragraph 18.

Learning and Skills Act 2000 (c. 21)

30. In section 99 of the Learning and Skills Act 2000 (approved qualifications: Wales) omit subsections (7) and (8).

Freedom of Information Act 2000 (c. 36)

31. In Part 6 of Schedule 1 to the Freedom of Information Act 2000, (other public bodies and offices: general) omit “The Qualifications, Curriculum and Assessment Authority for Wales.”

Education Act 2002 (c. 32)

32. In section 111 of the Education Act 2002 (development work and experiments)—

(a) in subsection (3)—

(i) omit “on an application”;

(ii) in paragraphs (a) and (b) insert at the beginning “on an application”;

(iii) in paragraph (c) for “by the Qualifications, Curriculum and Assessment Authority for Wales with” substitute “on a proposal by the National Assembly for Wales with”.

(b) in subsection (4) omit “by the Qualifications, Curriculum and Assessment Authority for Wales”.