



# Qualifications Wales Act 2015

2015 anaw 5

## QUALIFICATIONS WALES ACT 2015

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##### *Recognition of awarding bodies*

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## PART 1 — ESTABLISHMENT OF QUALIFICATIONS WALES

### *Status*

- 1 Qualifications Wales is not to be regarded as the servant...

### *Membership*

- 2 Qualifications Wales is to consist of the following members—

#### *The chair and ordinary members*

- 3 (1) The chair and ordinary members hold and vacate office...  
 4 (1) A person is disqualified from being the chair or...  
 5 (1) The chair is to be appointed for a term...  
 6 (1) Ordinary members are to be appointed for a term...  
 7 The chair or an ordinary member may resign from office...  
 8 The Welsh Ministers may remove the chair or an ordinary...  
 9 Qualifications Wales may, with the Welsh Ministers' approval, pay or...

#### *The chief executive and other staff*

- 10 (1) The first person appointed as chief executive is to...  
 11 A person may not be appointed as chief executive if...  
 12 The previous appointment of a person as chief executive does...  
 13 The chief executive is a member of Qualifications Wales' staff...  
 14 Qualifications Wales may appoint other members of staff.  
 15 Except in relation to the first person appointed as chief...  
 16 Service as a member of Qualifications Wales' staff is not...

### *Committees*

- 17 (1) Qualifications Wales may establish committees. (2) A committee established...  
 18 (1) Qualifications Wales may, in connection with the exercise of...

### *Delegation*

- 19 (1) Qualifications Wales may delegate any of its functions to—...  
 20 (1) A committee established by Qualifications Wales under paragraph 17...  
 21 (1) A joint committee may delegate any of its functions...

### *Procedure*

- 22 Qualifications Wales may regulate— (a) its own proceedings (including quorum),...  
 23 A committee established by Qualifications Wales under paragraph 17 may...  
 24 A joint committee may regulate— (a) its own procedure (including...  
 25 The validity of proceedings of Qualifications Wales, of a committee...

### *Register of interests*

- 26 (1) Qualifications Wales must establish and maintain a system for...

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*Supplementary powers*

- 27 (1) Qualifications Wales may do anything that it considers necessary...

*Annual and other reports*

- 28 (1) As soon as reasonably practicable after the end of...  
29 Qualifications Wales must— (a) lay a copy of the annual...  
30 Qualifications Wales may if it thinks fit prepare and publish...

*Finance*

- 31 (1) The Welsh Ministers may make grants to Qualifications Wales...

*Accounts and audit*

- 32 (1) Qualifications Wales must keep proper accounts and proper records...  
33 (1) No later than 31 August after the end of...  
34 In paragraphs 32 and 33 “financial year” means—

*Examination of use of resources*

- 35 (1) The Auditor General for Wales may carry out examinations...  
PART 2 — CONSEQUENTIAL AMENDMENTS

*Care Standards Act 2000 (c.14)*

- 36 In Schedule 2A to the Care Standards Act 2000 (persons...

*Freedom of Information Act 2000 (c.36)*

- 37 In Part 6 of Schedule 1 to the Freedom of...

*Public Services Ombudsman (Wales) Act 2005 (c.10)*

- 38 In Schedule 3 to the Public Services Ombudsman (Wales) Act...

*Commissioner for Older People (Wales) Act 2006 (c.30)*

- 39 In Schedule 2 to the Commissioner for Older People (Wales)...

*Equality Act 2010 (c.15)*

- 40 In Part 2 of Schedule 19 to the Equality Act...

SCHEDULE 2 — TRANSFERS OF PROPERTY AND STAFF TO  
QUALIFICATIONS WALES

- 1 (1) The Welsh Ministers may make one or more schemes...  
2 A transfer scheme may provide— (a) for modification by agreement;...  
3 For the purposes of this Schedule— (a) an individual who...  
4 In this Schedule— “civil service” (“gwasanaeth sifil”) means the civil...  
5 The Welsh Ministers must lay a copy of a transfer...

SCHEDULE 3 — FURTHER PROVISION ABOUT RECOGNITION OF  
AWARDING BODIES

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#### *Duration of recognition*

- 1 (1) The recognition of an awarding body has effect from...

#### *Standard conditions of recognition*

- 2 (1) Qualifications Wales must prepare and publish conditions (the “standard...  
3 (1) Qualifications Wales may revise the standard conditions; and if...

#### *Special conditions to which recognition may be subject*

- 4 (1) The recognition of a body may, in addition, be...  
5 (1) Qualifications Wales may revise or revoke a special condition....

#### *Fee capping conditions*

- 6 (1) A fee capping condition is a special condition limiting...  
7 Qualifications Wales may impose a fee capping condition only if...

#### *Procedure for imposing fee capping conditions*

- 8 (1) Before imposing a fee capping condition, Qualifications Wales must...  
9 (1) If Qualifications Wales decides to impose the fee capping...

#### *Review of fee capping conditions*

- 10 (1) Qualifications Wales must make arrangements for a decision under...

#### *Revision of fee capping conditions*

- 11 Paragraphs 8 to 10 apply in respect of a revision...

#### *Transfer conditions*

- 12 (1) A transfer condition is a special condition requiring an...  
13 (1) If Qualifications Wales proposes to give a direction to...  
14 (1) If Qualifications Wales decides to give the direction, it...  
15 If Qualifications Wales gives a direction to an awarding body...

#### *Review of decision to give direction*

- 16 (1) Qualifications Wales must make arrangements for its decision to...

#### *Surrender of recognition*

- 17 (1) A recognised body may give notice (a “surrender notice”)...

#### *Transitional provision in respect of surrender*

- 18 (1) Qualifications Wales may, if it considers it appropriate to...

#### *Withdrawal of recognition*

- 19 (1) If a recognised body fails to comply with any...

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*Procedure for withdrawal of recognition*

- 20 (1) Before withdrawing recognition from a recognised body under paragraph...
- 21 (1) If Qualifications Wales decides to withdraw recognition, it must...

*Review of decision to withdraw recognition*

- 22 (1) Qualifications Wales must make arrangements for a decision to...

*Transitional provision in respect of withdrawal*

- 23 (1) Notice under paragraph 21 or 22 may include provision...

SCHEDULE 4 — CONSEQUENTIAL AMENDMENTS

*Education Act 1996 (c.56)*

- 1 (1) The Education Act 1996 is amended as follows.

*Education Act 1997 (c.44)*

- 2 (1) The Education Act 1997 is amended as follows.

*Learning and Skills Act 2000 (c.21)*

- 3 (1) The Learning and Skills Act 2000 is amended as...

*Education Act 2002 (c.32)*

- 4 Omit paragraph 7 of Schedule 17 to the Education Act...

*National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238)*

- 5 Omit paragraph 72 of Schedule 1 to the National Council...

*Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239)*

- 6 Omit paragraphs 14, 15, 18(c), (d) and (e) and 30...

*Government of Wales Act 2006 (c.32)*

- 7 In section 148 of the Government of Wales Act 2006,...

*Education and Skills Act 2008 (c.25)*

- 8 Omit sections 160(1) and (3) and 162 of the Education...

*Apprenticeships, Skills, Children and Learning Act 2009 (c.22)*

- 9 (1) The Apprenticeships, Skills, Children and Learning Act 2009 is...

*Education Act 2011 (c.21)*

- 10 Omit section 24 of the Education Act 2011.

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*Counter-Terrorism and Security Act 2015 (c.6)*

11 (1) The Counter-Terrorism and Security Act 2015 is amended as...



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**Changes and effects yet to be applied to :**

- s. 34(12) words inserted by [2022 asc 1 Sch. 4 para. 34\(2\)](#)