



Qualifications Wales Act 2015

2015 anaw 5

PART 6

FURTHER PROVISION RELEVANT TO RECOGNITION, APPROVAL AND DESIGNATION

Funding etc of certain courses

34 Restriction on funding and provision of certain courses

- (1) Unless a requirement set out in subsection (3) or (5) is met, a course of education or training that leads to the award of a form of a qualification and is within subsection (2) must not be—
 - (a) funded by an authorised body, or
 - (b) provided by or on behalf of a maintained school in Wales.
- (2) A course of education or training is within this subsection if it is provided, or proposed to be provided—
 - (a) by or on behalf of a school or institution or employer, and
 - (b) for pupils who are of compulsory school age, or above compulsory school age but under 19.
- (3) The requirement is that—
 - (a) the form of qualification to which the course leads is awarded by a recognised body as an approved qualification, and
 - (b) if the form of the qualification is subject to an award limitation condition, the provision of the course is not such that it leads to the award of the qualification to a person otherwise than in accordance with that condition.
- (4) In subsection (3)(b), an award limitation condition is a condition to which approval of the form of qualification under Part 4 is subject and which relates to the person or description of person to whom the qualification may be awarded.
- (5) The requirement is that—

- (a) the form of the qualification to which the course leads is awarded by a recognised body and is designated under section 29, and
 - (b) if Qualifications Wales has specified purposes under section 30(6) for which the designation is to have effect, the provision of the course is not such that it leads to the award of the qualification otherwise than in accordance with those purposes.
- (6) In relation to a maintained school, the local authority and governing body must carry out their functions with a view to securing that subsection (1)(b) is not contravened.
- (7) The restriction imposed by this section does not apply in respect of the provision of a course of education or training to a person with a learning difficulty.
- (8) Nor does the restriction apply in respect of a course of education or training designated by the Welsh Ministers for the purpose of this section.
- (9) A designation under subsection (8) may make provision—
- (a) generally in respect of a course or description of course, or
 - (b) in respect of a course or description of course provided in circumstances, or to a person or description of person, specified in the designation.
- (10) A designation under subsection (8)—
- (a) must be in writing;
 - (b) may be varied or revoked.
- (11) In this section, references to a course leading to a form of a qualification include references to a course that is one of two or more components leading to a form of the qualification.
- (12) In this section—
- “authorised body” (“*corff awdurdodedig*”) means—
 - (a) the Welsh Ministers;
 - (b) a local authority in Wales;
 - “maintained school” (“*ysgol a gynhelir*”) means—
 - (a) a community, foundation or voluntary school;
 - (b) a community special school.