



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 2

FUNCTIONS IN RELATION TO QUALIFICATIONS

Accreditation of certain qualifications

138 Qualifications subject to the accreditation requirement

- (1) Ofqual may determine that a specified qualification, or description of qualification, to which this Part applies is subject to the accreditation requirement.
- (2) A determination under subsection (1) may provide that a qualification or description of qualification is subject to the accreditation requirement—
 - (a) for all purposes, or
 - (b) for the purposes of award or authentication by a specified awarding body.
- (3) Ofqual must publish a determination falling within subsection (2)(a).
- (4) Ofqual may revise a determination made under subsection (1).
- (5) If Ofqual revises a determination falling within subsection (2)(a) it must publish the determination as revised.
- (6) Before making or revising a determination under subsection (1) Ofqual must—
 - (a) if the determination falls within subsection (2)(a), consult such persons as it considers appropriate, and

- (b) if the determination falls within subsection (2)(b), consult the awarding body in question.

139 Accreditation

- (1) Where a qualification is subject to the accreditation requirement Ofqual must accredit a particular form of the qualification if—
 - (a) that form of the qualification has been submitted for accreditation by a recognised body which is recognised in respect of the qualification, and
 - (b) that form of the qualification meets the applicable criteria for accreditation most recently published under section 140.
- (2) Ofqual may not accredit a form of a qualification if the requirements set out in paragraphs (a) and (b) of subsection (1) are not met in respect of that form of the qualification.
- (3) An accreditation under this section has effect from such date as Ofqual may specify.
- (4) Ofqual may not charge a recognised body in respect of accreditation under this section.
- (5) If Ofqual refuses an application for accreditation it must provide the recognised body with a statement setting out the reasons for its decision.

140 Criteria for accreditation

- (1) Ofqual must set and publish the criteria for accreditation under section 139.
- (2) Different criteria may be set for the accreditation of different qualifications or different descriptions of qualifications.
- (3) Ofqual may revise the criteria.
- (4) If Ofqual revises the criteria it must publish them as revised.
- (5) Before setting or revising the criteria Ofqual must consult such persons as it considers appropriate.
- (6) If Ofqual revises the criteria under this section which are applicable to a form of a qualification which is accredited under section 139, the accreditation ceases to have effect on the date specified by Ofqual.
- (7) Ofqual may vary the date specified under subsection (6) at any time before the date.
- (8) Ofqual may determine that subsection (6) does not apply in relation to a specified revision.
- (9) Ofqual must publish a determination made under subsection (8).
- (10) Ofqual may make saving or transitional provision in connection with the accreditation of a form of a qualification ceasing to have effect under subsection (6).