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WELSH STATUTORY INSTRUMENTS

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**2016 No. 236**

**The Qualifications Wales Act 2015  
(Consequential Amendments) Regulations 2016**

**PART 1**

Introduction

**Title and commencement**

1. The title of these Regulations is the Qualifications Wales Act 2015 (Consequential Amendments) Regulations 2016 and they come into force on 1 May 2016.

**PART 2**

Amendments to primary legislation

**Amendment to the Learning and Skills Act 2000**

2. In section 33N(1) of the Learning and Skills Act 2000(1) for the definition of “course of study” substitute—

““course of study” means a course of education or training that—

- (a) leads to a form of qualification or set of forms of qualification approved under Part 4 of the Qualifications Wales Act 2015 or designated under Part 5 of that Act, or
- (b) is designated by the Welsh Ministers under section 34(8) of that Act;”.

**Amendment to the Education Act 2002**

3. In section 97 of the Education Act 2002(2) for the definition of “course of study” substitute—

““course of study” means a course of education or training that—

- (a) leads to a form of qualification or set of forms of qualification approved under Part 4 of the Qualifications Wales Act 2015 or designated under Part 5 of that Act, or
- (b) is designated by the Welsh Ministers under section 34(8) of that Act;”.

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(1) [2000 c. 21](#). Section 33N was inserted by section 35 of the Learning and Skills (Wales) Measure [2009 \(nawm 1\)](#). There are other amendments to section 33N which are not relevant to this instrument.

(2) [2002 c. 32](#). The definition of “course of study” was inserted into section 97 by section 1(1) and (2) of the Learning and Skills (Wales) Measure 2009.

## PART 3

### Amendments to secondary legislation

#### **Amendment to the Council Tax (Discount Disregards) Order 1992**

4. In paragraph 1(1)(b) of Part 1 of Schedule 1 to the Council Tax (Discount Disregards) Order 1992(3), as it applies in relation to Wales, for subparagraph (iii) substitute—

“(iii) a qualification which is awarded by a body in respect of the award of which it is recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.

#### **Amendment to the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994**

5. In regulation 2(1) of the Education (Special Educational Needs) (Approval of Independent Schools) Regulations 1994(4), as it applies in relation to Wales, for the definition of “approved relevant qualification” substitute—

““approved relevant qualification” is a qualification within the meaning of section 56 of the Qualifications Wales Act 2015;”.

#### **Amendment to the Education (Special Schools) Regulations 1994**

6. In regulation 2(1) of the Education (Special Schools) Regulations 1994(5) for the definition of “approved relevant qualification” substitute—

““approved relevant qualification” is a qualification within the meaning of section 56 of the Qualifications Wales Act 2015;”.

#### **Amendment to the Motor Vehicles (Driving Licences) Regulations 1999**

7. In regulation 22 of the Motor Vehicles (Driving Licences) Regulations 1999(6), within the definition of “educational qualification” for paragraph (f) substitute—

“(f) a qualification which has been awarded by a body in respect of the award of which it is recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.

#### **Amendment to the Education (Information About Individual Pupils) (Wales) Regulations 2007**

8. The Education (Information About Individual Pupils) (Wales) Regulations 2007(7) are amended as follows—

(a) in regulation 3, delete the definition of “relevant qualification”;

(b) in regulation 5(2) for subparagraph (f) substitute—

“(ea) Qualifications Wales;

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- (3) [S.I. 1992/548](#). Paragraph 1(1)(b) has been amended in relation to Wales by [S.I. 2010/2448](#), article 2.
- (4) [S.I. 1994/651](#). The definition of “approved relevant qualification” was inserted into regulation 2 in relation to Wales by [S.I. 2010/2431](#), regulation 2(a). There are other amendments to regulation 2 which are not relevant to this instrument.
- (5) [S.I. 1994/652](#). The definition of “approved relevant qualification” was inserted into regulation 2 in relation to Wales by [S.I. 2010/2431](#), regulation 3(a). There are other amendments to regulation 2 which are not relevant to this instrument.
- (6) [S.I. 1999/2864](#). The definition of “educational qualification” was inserted into regulation 22 by [S.I. 2010/1203](#), regulations 2 and 6(b). There are other amendments to regulation 22 which are not relevant to this instrument.
- (7) [S.I. 2007/3562 \(W. 312\)](#). The definition of “relevant qualification” in regulation 3 and sub-paragraphs (e) - (h) of regulation 5(2) were inserted by [S.I. 2011/2325](#), regulation 2(1), (2)(c) and (3)(a). There are other amendments which are not relevant to this instrument.

- (f) any body recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015 as a body awarding qualifications in Wales;”;
- (c) in regulation 5(5) in subparagraph (e) delete “and”; and
- (d) in regulation 5(5) at the end insert —
  - “; and
- (g) any course of study leading to a qualification (other than one of the kind referred to in sub-paragraph (b) or (e) above) provided to pupils of compulsory school age in any school maintained by a local authority if —
  - (i) the form of qualification to which the course leads is approved under Part 4 of the Qualifications Wales Act 2015 or designated under Part 5 of that Act, or
  - (ii) the course is designated by the Welsh Ministers under section 34(8) of the Qualifications Wales Act 2015.”

#### **Amendment to the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009**

9. At the end of regulation 3(5) of the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009(8) add—
- “(x) Qualifications Wales.”

#### **Amendment to the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009**

10. Regulation 2 of the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009(9) is amended as follows—
- (a) in the definition of “NQF” omit the words from “comprising relevant qualifications” to the end;
  - (b) in the definition of “QCF” omit the words from “comprising relevant qualifications” to the end; and
  - (c) in the definitions of “NQF level” and “QCF level” omit “relevant”.

#### **Amendment to the Education (Information About Children in Alternative Provision) (Wales) Regulations 2009**

11. In regulation 2 of the Education (Information About Children in Alternative Provision) (Wales) Regulations 2009(10) for the definition of “approved relevant qualification” substitute—
- ““approved relevant qualification” (“*cymhwyster perthnasol a gymeradwywyd*”) is a qualification within the meaning of section 56 of the Qualifications Wales Act 2015;”.

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(8) S.I. 2009/1563. There are amendments to regulation 3 which are not relevant to this instrument.

(9) S.I. 2009/3256 (W. 284). The definitions of “NQF” and “NQF level” were amended, and those of “QCF” and “QCF level” were inserted, by S.I. 2010/2431, regulation 8(a).

(10) S.I. 2009/3355 (W. 294). The definition of “approved relevant qualification” was inserted into regulation 2 by S.I. 2010/2431, regulation 9(a). There is another amendment to regulation 2 which is not relevant to this instrument.

### **Amendment to the Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011**

12. In regulation 2(1) of the Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011(11)—

- (a) in the definition of “approved relevant qualification” for “section 30(5) of the Education Act 1997” substitute “section 56 of the Qualifications Wales Act 2015”; and
- (b) in the definition of “NQF” omit the words from “comprising relevant qualifications” to the end.

### **Amendment to the School Performance and Absence Targets (Wales) Regulations 2011**

13. Regulation 2(1) of the School Performance and Absence Targets (Wales) Regulations 2011(12) is amended as follows—

- (a) in the definition of “approved relevant qualification” for “section 30(5) of the Education Act 1997” substitute “section 56 of the Qualifications Wales Act 2015”;
- (b) in the definition of “NQF” omit the words from “comprising relevant qualifications” to the end; and
- (c) in the definition of “NQF level” omit “relevant”.

### **Amendment to the School Performance Information (Wales) Regulations 2011**

14.—(1) The School Performance Information (Wales) Regulations 2011(13) are amended as follows.

- (2) In regulation 2(1) at the appropriate place insert—
 

““approval number”(“*rhif cymeradwyo*”) is the number allocated to a qualification by Qualifications Wales under section 22(3) of the Qualifications Wales Act 2015;”
- (3) In regulation 2(1), for the definition of “approved relevant qualification” substitute—
 

““approved relevant qualification” (“*cymhwyster perthnasol a gymeradwywyd*”) is a qualification within the meaning of section 56 of the Qualifications Wales Act 2015;”
- (4) In paragraph 3 in Part 1 of Schedule 3, for sub-paragraphs (e) and (f) substitute—
 

“(e) the date awarded;  
 (f) the qualification number (if any); and  
 (g) the approval number (if any).”
- (5) In paragraph 6 in Part 2 of Schedule 3, for sub-paragraphs (e) and (f) substitute—
 

“(e) the date awarded;  
 (f) the qualification number (if any); and  
 (g) the approval number (if any).”

### **Amendment to the Operation of the Local Curriculum (Wales) Regulations 2013**

15. In regulation 2 of the Operation of the Local Curriculum (Wales) Regulations 2013(14) for the definition of “course of study” substitute—

““course of study” means a course of education or training that—

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(11) S.I. 2011/1943 (W. 210). There is an amendment which is not relevant to this instrument.

(12) S.I. 2011/1945 (W. 212).

(13) S.I. 2011/1963 (W. 217). There is an amendment which is not relevant to this instrument.

(14) S.I. 2013/1793 (W. 180).

- (a) leads to a form of qualification or set of forms of qualification approved under Part 4 of the Qualification Wales Act 2015 or designated under Part 5 of that Act, or
- (b) is designated by the Welsh Ministers under section 34(8) of that Act;”.

#### **Amendment to the Gangmasters Licensing (Exclusions) Regulations 2013**

**16.** In paragraph 13 of Part 2 of the Schedule to the Gangmasters Licensing (Exclusions) Regulations 2013<sup>(15)</sup> for subparagraph (b) substitute—

- “(b) in relation to Wales, is a qualification within the meaning of section 56 of the Qualifications Wales Act 2015;”.

#### **Amendment to the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013**

**17.** In regulation 2 of the Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013<sup>(16)</sup> in the definition of “relevant qualification” for “it in section 30(5) of the Education Act 1997” substitute ““qualification” in section 56 of the Qualifications Wales Act 2015”.

#### **Amendment to the Education (School Development Plans) (Wales) Regulations 2014**

**18.** In regulation 2(1) of the Education (School Development Plans) (Wales) Regulations 2014<sup>(17)</sup> in the definition of “approved relevant qualifications” for “section 30(5) of the Education Act 1997” substitute “section 56 of the Qualifications Wales Act 2015”.

#### **Amendment to the National Minimum Wage Regulations 2015**

**19.** In regulation 3 of the National Minimum Wage Regulations 2015<sup>(18)</sup> in the definition of “further education course” in paragraph (b) for subparagraphs (ii), (iii) and (iv) substitute—

- “(ii) is funded by a local authority, or
- (iii) leads to a qualification awarded by a body in respect of the award of which it is recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;”.

#### **Amendment to the Education (Student Information) (England) Regulations 2015**

**20.** In Schedule 2 to the Education (Student Information) (England) Regulations 2015<sup>(19)</sup>—

- (a) in paragraph 1(18) of Part 1 delete “and”; and
- (b) at the end of paragraph 1(19) add—
  - “; and
  - (20) Qualifications Wales.”

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<sup>(15)</sup> S.I. 2013/2216.

<sup>(16)</sup> S.I. 2013/3048 (W. 307).

<sup>(17)</sup> S.I. 2014/2677 (W. 265).

<sup>(18)</sup> S.I. 2015/621. There are amendments to regulation 3 which are not relevant to this instrument.

<sup>(19)</sup> S.I. 2015/1567.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**Revocation of saving provision in respect of accredited qualifications for the purposes of the National Minimum Wage Regulations 2015**

**21.** Article 13 of the Qualifications Wales Act 2015 (Commencement No. 2 and Transitional and Saving Provisions) Order 2015(20) is revoked.

24 February 2016

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Welsh Ministers