

*Changes to legislation: There are currently no known outstanding effects for the Qualifications Wales Act 2015, Cross Heading: Transfer conditions. (See end of Document for details)*

### SCHEDULE 3

#### FURTHER PROVISION ABOUT RECOGNITION OF AWARDING BODIES

##### *Transfer conditions*

- 12 (1) A transfer condition is a special condition requiring an awarding body, on the occurrence of an event specified in the condition, and on being so directed by Qualifications Wales, to make arrangements specified in the direction for the purpose of securing that a form of a qualification which is or has been awarded by the body may be awarded by another awarding body where—
- (a) the form of qualification has been approved by Qualifications Wales, or
  - (b) the form of qualification has been designated by Qualifications Wales under section 29.
- (2) The arrangements may include, among other things, provision for the transfer of property and rights and for the making of payments.
- (3) Qualifications Wales may give a direction to an awarding body in accordance with a transfer condition only if it is satisfied that it is necessary to do so in order to avoid significant adverse effects on persons who are seeking, or might reasonably be expected to seek, to obtain the form of a qualification to which the direction relates.

##### **Commencement Information**

**II** Sch. 3 para. 12 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

- 13 (1) If Qualifications Wales proposes to give a direction to an awarding body in accordance with a transfer condition, it must give the body concerned notice of the proposal.
- (2) The notice must—
- (a) set out the proposed direction;
  - (b) explain why Qualifications Wales proposes to give the direction;
  - (c) specify when it proposes to decide whether to give the direction.
- (3) In deciding whether to give the direction, Qualifications Wales must have regard to any representations made by the awarding body.

##### **Commencement Information**

**II** Sch. 3 para. 13 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

- 14 (1) If Qualifications Wales decides to give the direction, it must give notice to the awarding body of the decision, setting out the direction.
- (2) The notice must—
- (a) inform the body of its right to request a review of the decision,
  - (b) state the latest date on which any request for review may be made, and
  - (c) specify the date by which, in the absence of a request for review, the direction is to come into effect.

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- (3) The date specified under sub-paragraph (2)(c) must be a date after the latest date on which a review may be requested under arrangements made under paragraph 16.

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**Commencement Information**

**I3** Sch. 3 para. 14 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

- 15 If Qualifications Wales gives a direction to an awarding body in accordance with a transfer condition, it may, if it considers it reasonable and appropriate to do so in the circumstances, pay compensation to the body in respect of loss sustained by the body by reason of compliance with the direction.

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**Commencement Information**

**I4** Sch. 3 para. 15 in force at 21.9.2015 by S.I. 2015/1687, art. 2 (with arts. 3-12)

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