

# QUALIFICATIONS WALES ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 3: Further Provision about Recognition of Awarding Bodies*

#### *Paragraphs 6 to 11: Fee capping conditions*

151. These paragraphs define what a fee capping condition is. It can only limit fees (for example, examination entry fees) in relation to approved or designated qualifications awarded to learners who are undertaking publicly funded courses of education or training leading to those qualifications. Fees charged as a result of the body's provision of services or facilities in respect of the award of those qualifications to such learners, for example fees for the provision of replacement certificates, may also be limited by a fee-capping condition. Qualifications Wales must be satisfied that it is appropriate to impose the condition to secure value for money. Section 47(2) requires Qualifications Wales to set out in its policy statement the criteria it is likely to apply in determining whether it is appropriate to impose a fee capping condition, the matters likely to be taken into account in determining the limit specified in it and the likely duration of one. A "course of education which is publicly funded" is defined in paragraph 6(2).
152. [Paragraph 8](#) sets out the process by which Qualifications Wales may impose a fee capping condition, including the requirement to give notice to the concerned awarding body of its intention to impose the condition, give reasons for why it intends to impose the condition and say when it is proposed to decide whether to impose the condition. Qualifications Wales must consider representations made by the body and if it decides to impose the condition, the body must be notified of this and also of its right to request a review of the decision. The notice must also say when the condition takes effect if the body does not make a request for review.
153. If the body requests a review of the decision to impose a fee-capping condition, [paragraph 10](#) provides details about the arrangements Qualifications Wales must make in arranging for an independent reviewer to review the decision. Following the review, if Qualifications Wales confirms its decision to impose the condition, or changes the condition, then Qualifications Wales must give notice to the awarding body which includes the details set out in [paragraph 10\(5\)](#).
154. [Paragraph 11](#) requires Qualifications Wales to follow the same procedure for revising a fee-capping condition as for the issue of an initial fee-capping condition.