



Qualifications Wales Act 2015

2015 anaw 5

PART 3

RECOGNITION OF AWARDING BODIES

General

4 Recognition of awarding bodies

- (1) Qualifications Wales may recognise an awarding body under the provisions of this Part.
- (2) Part 4 (priority qualifications and approval of qualifications) makes provision for a body that is recognised under this Part in respect of the award of a qualification to apply to Qualifications Wales for approval of a form of that qualification.
- (3) Part 5 (designation of other qualifications) makes provision for a body that is recognised under this Part in respect of the award of a qualification to apply to Qualifications Wales for a form of that qualification to be designated under section 29.

Recognition criteria

5 Duty to set general recognition criteria

- (1) Qualifications Wales must set and publish criteria for recognition (“general recognition criteria”) to be applied by it for the purposes of section 8 (general recognition of an awarding body).
- (2) The general recognition criteria may make different provision for different descriptions of awarding body.

6 Power to set qualification specific recognition criteria

- (1) Qualifications Wales may set and publish criteria for recognition (“qualification specific recognition criteria”) to be applied by it for the purposes of section 9 (qualification specific recognition of an awarding body).
- (2) The criteria may make different provision for—
 - (a) different descriptions of awarding body;
 - (b) different qualifications or different descriptions of qualification.

7 Revision of general and qualification specific recognition criteria

- (1) Qualifications Wales may revise—
 - (a) the general recognition criteria;
 - (b) the qualification specific recognition criteria.
- (2) If Qualifications Wales revises the criteria, it must—
 - (a) publish the criteria as revised, and
 - (b) specify when the revisions are to come into effect.
- (3) The date specified under subsection (2)(b) must not precede the date on which the revised criteria are published.

Recognition of awarding bodies

8 General recognition of an awarding body

- (1) An awarding body may apply to Qualifications Wales for general recognition as a body awarding qualifications in Wales.
- (2) The awarding body may specify in its application a qualification or description of qualification in respect of the award of which it does not wish to be recognised.
- (3) If the body meets the general recognition criteria most recently published under section 5, Qualifications Wales must recognise the awarding body.
- (4) If the body does not meet all of those criteria Qualifications Wales may nevertheless, if it thinks it appropriate to do so, recognise the body.
- (5) In determining whether it is appropriate to recognise a body under subsection (4), Qualifications Wales must have regard to—
 - (a) whether the body substantially meets the general recognition criteria,
 - (b) the effect of its failure to meet those criteria in full, and
 - (c) the likelihood of its subsequently meeting the criteria in full.
- (6) Where a qualification or description of qualification is specified by an awarding body in accordance with subsection (2), references to the general recognition criteria in subsections (3) to (5) are not to be treated as including those criteria to the extent that they apply in respect of the award of the qualification or description of qualification specified.
- (7) Where an awarding body is recognised under this section other than in respect of the award of a qualification or description of qualification specified by it in accordance with subsection (2), or a qualification or description of qualification in respect of the

award of which recognition under this section has been surrendered or withdrawn, it may apply to Qualifications Wales to be recognised in respect of the award of the qualification or description of qualification.

- (8) Subsections (2) to (6) apply for the purposes of an application under subsection (7) as if it were an application under subsection (1).
- (9) The effect of recognition under this section is that the body is recognised in respect of the award in Wales of qualifications other than—
 - (a) those qualifications in respect of which qualification specific recognition criteria apply,
 - (b) any qualification or description of qualification specified in accordance with subsection (2), and
 - (c) any qualification or description of qualification in respect of the award of which recognition under this section has ceased to have effect by virtue of being surrendered or withdrawn.

9 Qualification specific recognition of an awarding body

- (1) An awarding body may apply to Qualifications Wales for recognition in respect of the award in Wales of a qualification or description of qualification in relation to which qualification specific recognition criteria are set under section 6.
- (2) If the body meets both—
 - (a) the general recognition criteria most recently published under section 5, and
 - (b) the qualification specific recognition criteria applicable in respect of the qualification and the body concerned,Qualifications Wales must recognise the body in respect of the award in Wales of the qualification or description of qualification concerned.
- (3) If the body does not meet all of those criteria Qualifications Wales may nevertheless, if it thinks it appropriate to do so, recognise the body in respect of the award in Wales of the qualification or description of qualification concerned.
- (4) In determining whether it is appropriate to recognise a body under subsection (3), Qualifications Wales must have regard to—
 - (a) whether the body substantially meets the criteria referred to in subsection (2),
 - (b) the effect of its failure to meet those criteria in full, and
 - (c) the likelihood of its subsequently meeting those criteria in full.
- (5) The effect of recognition under this section is that, provided the body is recognised under section 8, it is recognised also in respect of the award in Wales of the qualification or description of qualification specified in the recognition under this section.

10 Rules about applications for recognition

- (1) Qualifications Wales must make rules about the making of applications to it under this Part.
- (2) The rules may make different provision for different purposes.
- (3) They may make provision about—

Status: This is the original version (as it was originally enacted).

- (a) the form and content of applications;
 - (b) the way in which applications are to be made (including as to any fee payable in respect of an application).
- (4) The rules made under this section must be published by Qualifications Wales.

11 Further provision about recognition

- (1) If Qualifications Wales refuses an application for recognition made under this Part, it must provide the awarding body concerned with a statement setting out its reasons for refusal.
- (2) Schedule 3 makes further provision about recognition under this Part, including about—
- (a) the duration of recognition;
 - (b) conditions to which recognition is to be subject;
 - (c) the surrender and withdrawal of recognition.

12 Recognition: interpretation

- (1) For the purposes of this Act, a body is recognised in respect of the award of a qualification—
- (a) if no criteria are set under section 6 in respect of the qualification, if the body is recognised under section 8 (provided that the qualification is not one that is specified, or of a description specified, by the body under section 8(2) and is not one in respect of which recognition of the body has ceased to have effect as set out in paragraph 1(2) of Schedule 3);
 - (b) if criteria are set under section 6 in respect of the qualification, or qualifications of that description, if the body is both—
 - (i) recognised under section 8, and
 - (ii) recognised under section 9 in respect of the award of the qualification or description of qualification concerned.
- (2) In this Act—
- (a) references to recognition are to recognition under this Part;
 - (b) references to a recognised body are to an awarding body recognised under this Part.
- (3) For the purposes of this Part, the award of a qualification in Wales is its award to persons assessed in respect of the qualification wholly or mainly in Wales.