Qualifications Wales Act 2015

2015 anaw 5

PART 9

GENERAL

55 Regulations

(1) A power to make regulations under this Act—

(a) is exercisable by statutory instrument;

(b) includes power to make different provision for different purposes;

(c) includes power to make supplemental, incidental, consequential, transitional, transitory or saving provision.

(2) A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales—

(a) regulations made under section 21 (power to specify minimum requirements);

(b) regulations made under section 38(3) (power to impose monetary penalties);

(c) regulations made under section 59 that amend or repeal any provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales.

(3) Any other statutory instrument containing regulations made under this Act is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

56 Interpretation of references to "qualification"

(1) References in this Act to a qualification, except so far as a contrary intention appears, are to an academic or vocational qualification awarded in Wales, other than—

(a) a foundation degree;

(b) a first degree;

(c) a degree at a higher level.

(2) A qualification is awarded in Wales, for the purposes of this section, if there are, or may reasonably be expected to be, persons seeking to obtain the qualification who are,

will be, or may reasonably be expected to be, assessed in respect of the qualification wholly or mainly in Wales.

(3) A reference in this Act to the award of a qualification includes a reference to—

(a) the award of credits in respect of components of a qualification;

(b) the award of a qualification by a body either jointly or with others.

(4) References in this Act to a form of a qualification are to the particular version of a qualification that is, or is to be, offered by a particular awarding body.

57 General interpretation and index of defined expressions

(1) The provisions of this Act and those of the Education Act 1996 (c.56) are to be read as if they were all contained in the Education Act 1996 (but this is subject to subsection (2)).

(2) Where for the purposes of any provision of this Act an expression is given a meaning different from that given to it in the Education Act 1996 (c.56), that meaning is to apply for the purposes of that provision, instead of the meaning given for the purposes of the Education Act 1996 (c.56).

(3) In this Act—

"approved qualification" ("*cymhwyster a gymeradwywyd*") means a form of a qualification approved by Qualifications Wales under Part 4 (priority qualifications and approval of qualifications);

"assessment arrangements" ("*trefniadau asesu*"), in relation to a qualification, means arrangements for assessing relevant skills, knowledge and understanding in relation to the qualification;

"awarding body" ("*corff dyfarnu*") means a person who awards, or proposes to award, a qualification;

"company" ("*cwmni*") means a company as defined in section 1(1) of the Companies Act 2006 (c.46);

"fee capping condition" ("*amod capio ffioedd*") has the meaning given in paragraph 6 of Schedule 3;

"general recognition criteria" ("*meini prawf cydnabod cyffredinol*") has the meaning given in section 5(1);

"higher education institution" ("*sefydliad addysg uwch*") means an institution within the higher education sector;

"learners" ("*dysgwyr*") means persons who are seeking to obtain, or who might reasonably be expected to seek to obtain, qualifications;

"learning provider" ("*darparwr dysgu*") means a person by whom education or training leading to a qualification is provided;

"monetary penalty" ("*cosb ariannol*") has the meaning given in section 38(3);

"notice" ("*hysbysiad*") means notice in writing;

the "principal aims" ("*prif nodau*") of Qualifications Wales means the aims listed in section 3(1);

"priority qualification" ("*cymhwyster blaenoriaethol*") has the meaning given in section 13(6);

"qualification" ("*cymhwyster*") has the meaning given in section 56;

"qualification specific recognition criteria" ("*meini prawf cydnabod sy'n benodol i gymhwyster*") has the meaning given in section 6(1);

"recognised body" ("*corff cydnabyddedig*") has the meaning given in section 12(2);

"recognition" ("*cydnabyddiaeth*") has the meaning given in section 12(2);

"regulations" ("*rheoliadau*") means regulations made by the Welsh Ministers;

"relevant knowledge, skills or understanding" ("*yr wybodaeth berthnasol, y sgiliau perthnasol neu'r ddealltwriaeth berthnasol*"), in relation to a qualification, are the knowledge, skills or understanding required to be demonstrated for the purpose of determining whether a person is to be awarded the qualification;

"restricted priority qualification" ("*cymhwyster blaenoriaethol cyfyngedig*") has the meaning given in section 13(6);

"special condition" ("*amod arbennig*") has the meaning given in paragraph 4 of Schedule 3;

"transfer condition" ("*amod trosglwyddo*") has the meaning given in paragraph 12 of Schedule 3;

"unrestricted priority qualification" ("*cymhwyster blaenoriaethol anghyfyngedig*") has the meaning given in section 13(6);

"Welsh qualification system" ("*system gymwysterau Cymru*") has the meaning given in section 3(3).

(4) For the purposes of this Act a person is assessed wholly or mainly in Wales, in respect of a qualification, only if the activities carried out by the person for the purposes of demonstrating relevant knowledge, skills or understanding are carried out wholly or mainly in Wales.

(5) A person has a learning difficulty, for the purposes of this Act, if the person—

(a) has special educational needs, or

(b) has a significantly greater difficulty in learning than the majority of persons of the person's age, or

(c) has a disability that either prevents or hinders the person from making use of educational facilities of a kind generally provided for persons of the same age.

(6) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.

(7) References in this Act to a body's being recognised in respect of a qualification are to be construed in accordance with section 12.

(8) References in this Act to the award of a form of qualification as an approved qualification are to be construed in accordance with section 22(4).

58 Consequential amendments

Schedule 4 contains consequential amendments.

59 Power to make consequential and transitional provision etc

(1) If the Welsh Ministers consider it necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act, they may by regulations make—

(a) any supplementary, incidental or consequential provision;

(b) any transitional, transitory or saving provision.

(2) Regulations under this section may (among other things) amend, repeal or revoke any enactment.

(3) In this section, "enactment" mean an enactment, whenever enacted or made, comprised in or made under—

(a) an Act of Parliament;

(b) a Measure or Act of the National Assembly for Wales.

60 Coming into force

(1) The following provisions come into force on the day on which this Act receives Royal Assent—

(a) section 1;

(b) section 2(3);

(c) sections 55 to 57;

(d) section 59;

(e) this section;

(f) section 61;

(g) Schedule 2.

(2) The other provisions of this Act come into force on such day as the Welsh Ministers may appoint by order made by statutory instrument.

(3) An order under subsection (2) may—

(a) appoint different days for different purposes;

(b) make transitional, transitory or saving provision in connection with the coming into force of a provision of this Act.

61 Short title and inclusion as one of the Education Acts

(1) The short title of this Act is the Qualifications Wales Act 2015.

(2) This Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996.