
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force fully on 21 September 2015 all the provisions of the Qualifications Wales Act 2015 (“the Act”) which have not already been commenced, or only commenced partially (article 2).

The provisions of the Act relating to the establishment of Qualifications Wales as a body corporate were commenced on 6 August 2015.

This Order brings into force the remaining provisions of the Act, many of which confer functions on Qualifications Wales in relation to the regulation of certain qualifications awarded in Wales. This Order also brings into force provisions repealing functions of the Welsh Ministers under Part 5 of the Education Act 1997 (“the 1997 Act”) and provisions related to the public funding of certain courses leading to qualifications.

Part 3 of this Order makes transitional provision in connection with the commencement of these provisions. Generally, the transitional provisions enable Qualifications Wales to take over the regulation of the award of qualifications in Wales from the Welsh Ministers, who exercised similar regulatory functions under the 1997 Act.

Article 3 makes general provision for continuity so that functions which were exercisable by the Welsh Ministers before 21 September 2015 and which correspond to a new function exercisable by Qualifications Wales on that date, may be exercisable by Qualifications Wales on and after that date. For the avoidance of doubt paragraph (4) of article 3 provides that the function of imposing a monetary penalty is not one exercisable by Qualifications Wales on 21 September 2015: this is because as at 21 September 2015 the power under section 38(3) of the Act to make regulations dealing with the amount of a monetary penalty has not been exercised. Article 3 is subject to the subsequent articles, which make provision for continuity in respect of specific matters.

Articles 4 to 8 make specific transitional provision in relation to the recognition of awarding bodies. Article 4 provides for certain persons to be treated as recognised by Qualifications Wales under section 8 of the Act. Article 5 provides for the criteria to be applied to general recognition under section 5 of the Act. Article 6 provides for applications to the Welsh Ministers for recognition under section 30 of the 1997 Act, which have been made but not determined before 21 September 2015, to be treated as applications to Qualifications Wales for general recognition under section 8 of the Act. Article 7 provides for the standard conditions of recognition (under paragraph 2 of Schedule 3 to the Act) applicable to recognised awarding bodies from 21 September 2015. Article 8 provides for certain notices by persons wishing to surrender their recognition in some respect to be treated as surrender notices under paragraph 17 of Schedule 3 to the Act.

Article 9 provides for the forms of qualification identified in the Schedule to be treated as having been approved under section 19 of the Act.

Article 10 provides for certain qualifications to be treated as designated under section 29 of the Act. Article 11 provides for certain submissions of forms of qualifications to the Welsh Ministers for accreditation which have not been determined before 21 September 2015 to be treated as applications to Qualifications Wales for designation under section 29 of the Act.

All the forms of qualification to be treated as either approved or designated are ones which are accredited under section 30(1)(h) of the 1997 Act.

Article 12 provides for certain complaints to the Welsh Ministers to be treated as complaints for the purposes of section 48 of the Act.

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

Article 13 makes a saving provision in relation to qualifications accredited by the Welsh Ministers under the 1997 Act for the purposes of a definition in regulation 3 of the National Minimum Wage Regulations 2015.