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Education Act 1997

1997 CHAPTER 44

PART V

SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

CHAPTER II

THE QUALIFICATIONS, CURRICULUM AND ASSESSMENT AUTHORITY FOR WALES

Renaming of the Authority

27 The Qualifications, Curriculum and Assessment Authority for Wales.

- (1) The body corporate known as Awdurdod Cwricwlwm ac Asesu Cymru shall continue in existence but, as from the commencement of this section, shall be known as Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales.
- (2) The Authority shall consist of not less than 10 nor more than 15 members appointed by the Secretary of State.
- (3) Of the members of the Authority, the Secretary of State—
 - (a) shall appoint one as chairman, and
 - (b) may appoint another as deputy chairman.
- (4) The Secretary of State—
 - (a) shall include among the members of the Authority—
 - (i) persons who appear to him to have relevant knowledge or experience in education, and
 - (ii) persons who appear to him to have relevant knowledge or experience in training; and

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- (b) may include among those members persons who appear to him to have experience of occupations, trades or professions having an interest in education or training.
- (5) Schedule 5 to this Act, which replaces Schedule 30 to the Education Act 1996, has effect in relation to the Authority.

Functions of the Authority

28 General function of Authority to advance education and training.

- (1) The functions conferred on the Qualifications, Curriculum and Assessment Authority for Wales by this Part shall be exercised by the Authority for the purpose of advancing education and training in Wales.
- (2) The Authority shall exercise their functions under this Part with a view to promoting quality and coherence in education and training in relation to which they have functions under this Part.

29 Functions of the Authority in relation to curriculum and assessment.

- (1) The Qualifications, Curriculum and Assessment Authority for Wales shall have the functions set out in subsection (2) with respect to pupils of compulsory school age at maintained schools in Wales.
- (2) The functions are—
 - (a) to keep under review all aspects of the curriculum for such schools and all aspects of school examinations and assessment;
 - (b) to advise the Secretary of State on such matters concerned with the curriculum for such schools or with school examinations and assessment as he may refer to them or as they may see fit;
 - (c) to advise the Secretary of State on, and if so requested by him assist him to carry out, programmes of research and development for purposes connected with the curriculum for such schools or with school examinations and assessment;
 - (d) to publish and disseminate, and assist in the publication and dissemination of, information relating to the curriculum for such schools or to school examinations and assessment;
 - (e) to make arrangements with appropriate bodies for auditing the quality of assessments made in pursuance of assessment arrangements; and
 - (f) so far as relevant to such schools, the functions conferred by section 30(3).
- (3) The Authority shall have, in relation to Wales, the function of developing learning goals and related materials for children who are receiving nursery education in respect of which grants are (or are to be) made under arrangements under section 1 of the ^{MI}Nursery Education and Grant-Maintained Schools Act 1996.
- (4) The Authority shall have, in relation to Wales, the following functions in connection with baseline assessment schemes (within the meaning of Chapter I of Part IV), namely—
 - (a) if designated by the Secretary of State for the purpose, any function of a designated body under that Chapter; and

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- (b) any other function which may be conferred on the Authority by the Secretary of State.
- (5) In this section “assessment” and “maintained school” have the same meaning as in section 23.

Marginal Citations

M1 1996 c. 50.

30 Functions of the Authority in relation to external vocational and academic qualifications.

- (1) The Qualifications, Curriculum and Assessment Authority for Wales shall have, in relation to Wales, such functions with respect to external qualifications as are for the time being conferred on the Authority by an order made by the Secretary of State under this subsection or by subsection (3).
- (2) The functions with respect to external qualifications which may be conferred on the Authority by an order under subsection (1) are functions falling within paragraphs (a) to (g) of section 24(2), and the functions in question may be so conferred so as to be exercisable either—
 - (a) solely by the Authority, or
 - (b) by the Authority concurrently with the Qualifications and Curriculum Authority.
- (3) The Authority shall have, in relation to Wales, the following functions with respect to external qualifications, namely—
 - (a) if designated by the Secretary of State for the purpose, to advise the Secretary of State on the exercise of his powers under section 37 (approval of external qualifications); and
 - (b) if designated by the Secretary of State for the purpose, to exercise any functions conferred on a designated body by regulations under that section.
- (4) Where an order under subsection (1) is made so as to come into force at any time after the day on which that subsection comes into force, the order may include provisions—
 - (a) for the transfer of staff, and
 - (b) for the transfer of property, rights and liabilities held, enjoyed or incurred in connection with any function which, as a result of the order, is to be exercisable by the Authority (whether solely or concurrently).
- (5) In this section “external qualification” has the same meaning as in section 24.

31 Other functions of the Authority.

- (1) The Qualifications, Curriculum and Assessment Authority for Wales shall advise the Secretary of State on such matters connected with the provision of education or training in Wales as the Secretary of State may specify by order.
- (2) The Authority shall carry out such ancillary activities as the Secretary of State may direct.

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- (3) For the purposes of subsection (2) activities are ancillary activities in relation to the Authority if the Secretary of State considers it is appropriate for the Authority to carry out those activities for the purposes of or in connection with the carrying out by the Authority of any of their other functions under this Part.
- (4) The Authority shall supply the Secretary of State with such reports and other information with respect to the carrying out of their functions as the Secretary of State may require.

32 Supplementary provisions relating to discharge by Authority of their functions.

- (1) In carrying out their functions under this Part the Qualifications, Curriculum and Assessment Authority for Wales shall—
 - (a) comply with any directions given by the Secretary of State; and
 - (b) act in accordance with any plans approved by him; and
 - (c) so far as relevant, have regard to—
 - (i) the requirements of section 351 of the ^{M2}Education Act 1996 (general duties in respect of curriculum),
 - (ii) the requirements of industry, commerce, finance and the professions regarding education and training (including required standards of practical competence), and
 - (iii) the requirements of persons with special learning needs.
- (2) In carrying out those functions the Authority shall in addition have regard to information supplied to them by Her Majesty’s Chief Inspector of Schools in Wales or by any body designated by the Secretary of State for the purposes of this section.
- (3) Where in carrying out any of their functions under this Part the Authority accredit or approve any qualification, they may do so on such terms (including terms as to payment) and subject to such conditions as they may determine.
- (4) Those conditions may in particular include conditions—
 - (a) placing a limit on the amount of the fee that can be demanded in respect of any award or authentication of the qualification in question; and
 - (b) requiring rights of entry to premises and to inspect and copy documents so far as necessary for the Authority to satisfy themselves that the appropriate standards are being maintained, in relation to the award or authentication of the qualification in question, by the persons receiving the accreditation or approval.
- (5) Before exercising on any occasion their power to impose conditions falling within subsection (4)(a) the Authority shall obtain the consent of the Secretary of State as to such matters relating to the exercise of that power as he may determine.
- (6) In this section “persons with special learning needs” has the same meaning as in section 26.

Marginal Citations

M2 1996 c. 56.

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VALID FROM 19/12/2002

[^{F1}32A Power of Authority to give directions

- (1) If it appears to the Qualifications, Curriculum and Assessment Authority for Wales—
 - (a) that any person (in this section referred to as “the awarding body”) who, either alone or jointly with others, awards or authenticates any qualification accredited by the Authority has failed or is likely to fail to comply with any condition subject to which the accreditation has effect, and
 - (b) that the failure—
 - (i) prejudices or would be likely to prejudice the proper award or authentication of the qualification, or
 - (ii) prejudices or would be likely to prejudice persons who might reasonably be expected to seek to obtain the qualification,the Authority may direct the awarding body to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the accreditation has effect.
- (2) It shall be the duty of the awarding body to comply with any direction under this section.
- (3) Any direction under this section is enforceable, on the application of the Qualifications, Curriculum and Assessment Authority for Wales, by a mandatory order.]

Textual Amendments

- F1** S. 32A inserted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 8** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1

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