
WELSH STATUTORY INSTRUMENTS

2015 No. 1687

The Qualifications Wales Act 2015 (Commencement
No. 2 and Transitional and Saving Provisions) Order 2015

PART 3

Transitional provisions

Continuity: general

3.—(1) This article applies to the extent that a function, exercisable by Qualifications Wales from 21 September 2015 (“the new function”) corresponds to a function exercisable by the Welsh Ministers under Part 5 of the 1997 Act before that date (“the old function”).

(2) Anything done, or omitted to be done, before 21 September 2015 by or in relation to the Welsh Ministers in connection with the old function is to be treated, from that date, as done, or to be continued, or omitted to be done, by or in relation to Qualifications Wales in connection with the new function.

(3) From 21 September 2015, Qualifications Wales may take action in connection with the new function which relates to circumstances occurring before that date as if the new function had been in force when the circumstances giving rise to its exercise occurred and so from that date, the Welsh Ministers may not take action in connection with the old function.

(4) Accordingly, so far as necessary to give effect to paragraphs (1) to (3), references to the Welsh Ministers or the Welsh Government (however described) and the old function in a document relating to the old function, and references which take effect as references to the Welsh Ministers or the Welsh Government (however described) and the old function in such a document, are to be read, from 21 September 2015, as references to Qualifications Wales and the new function.

(5) Paragraphs (1) to (4) have effect subject to the following provisions of this Order.

(6) For the purposes of paragraph (1), the imposition of a monetary penalty under section 38(1) or (2) of the Act is not a function exercisable by Qualifications Wales from 21 September 2015.