



# Qualifications Wales Act 2015

2015 anaw 5

## PART 7

### ENFORCEMENT POWERS OF QUALIFICATIONS WALES

#### **38 Power to impose monetary penalties**

- (1) If it appears to Qualifications Wales that an awarding body has failed to comply with a condition to which its recognition is subject, Qualifications Wales may impose a monetary penalty on the body.
- (2) If it appears to Qualifications Wales that an awarding body that awards an approved qualification has failed to comply with a condition to which that approval is subject, Qualifications Wales may impose a monetary penalty on the body.
- (3) A “monetary penalty” is a requirement to pay to Qualifications Wales a penalty of an amount determined by it in accordance with regulations.
- (4) Before imposing a monetary penalty, Qualifications Wales must give notice to the awarding body concerned of its intention to do so.
- (5) The notice must—
  - (a) set out Qualifications Wales' reasons for proposing to impose the penalty;
  - (b) specify the proposed amount of the penalty;
  - (c) specify a period with the expiry of which Qualifications Wales proposes to decide whether to impose the penalty.
- (6) The period specified under subsection (5)(c) must be a period of at least 28 days beginning with the date of the notice.
- (7) In deciding whether to impose the penalty, Qualifications Wales must have regard to any representations made by the awarding body.
- (8) If Qualifications Wales decides to impose a monetary penalty, it must give the awarding body concerned a notice specifying—
  - (a) the amount of the penalty, and

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*Changes to legislation: There are currently no known outstanding effects for the  
Qualifications Wales Act 2015, Section 38. (See end of Document for details)*

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- (b) the period within which payment must be made.
- (9) The period specified under subsection (8)(b) must be a period of at least 28 days beginning with the date of the notice.
- (10) The notice must also contain information as to—
- (a) the grounds for imposing the penalty,
  - (b) how payment may be made,
  - (c) rights of appeal under section 39, and
  - (d) the consequences of non-payment.
- (11) Any sums received by Qualifications Wales by way of a monetary penalty imposed under this section or interest under section 40 must be paid by it into the Welsh Consolidated Fund.

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**Commencement Information**

**II** [S. 38](#) in force at 21.9.2015 by [S.I. 2015/1687](#), [art. 2](#) (with [arts. 3-12](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Qualifications Wales Act 2015, Section 38.