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Education Act 1997

1997 CHAPTER 44

PART V

SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

CHAPTER II

[^{F1}FUNCTIONS OF THE NATIONAL ASSEMBLY FOR WALES]

Functions of the [^{F1}National Assembly for Wales]

Textual Amendments

- F1** Words in s. 28 cross-heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 10** (with art. 7)

28 **General function of [^{F2}National Assembly for Wales] to advance education and training.**

- (1) The functions conferred on the [^{F3}National Assembly for Wales] by this Part shall be exercised by [^{F4}the National Assembly for Wales] for the purpose of advancing education and training in Wales.
- (2) [^{F5}The National Assembly for Wales] shall exercise [^{F6}its functions] under this Part with a view to promoting quality and coherence in education and training in relation to which [^{F7}it has] functions under this Part.

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Textual Amendments

- F2** Words in s. 28 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 10** (with art. 7)
- F3** Words in s. 28(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(a)(i)** (with art. 7)
- F4** Words in s. 28(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(a)(ii)** (with art. 7)
- F5** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(i)** (with art. 7)
- F6** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(ii)** (with art. 7)
- F7** Words in s. 28(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 11(b)(iii)** (with art. 7)

29 Functions of the ^{F8}National Assembly for Wales] in relation to curriculum and assessment.

- (1) ^{F9}The National Assembly for Wales] shall have the functions set out in subsection (2) ^{F10} with respect to—
 - (a) pupils at maintained schools in Wales who have not ceased to be of compulsory school age,
 - (b) pupils at maintained nursery schools in Wales, and
 - (c) children for whom funded nursery education is provided in Wales otherwise than at a maintained school or maintained nursery school.]
- (2) The functions are—
 - (a) to keep under review all aspects of the curriculum for ^{F11}maintained schools or maintained nursery schools] and all aspects of school examinations and assessment;
 - ^{F12}(b)
 - ^{F13}(c)
 - (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; ^{F14} . . .
 - (f) ^{F14}

^{F15}(2A) In subsection (2) references to the curriculum for a maintained nursery school include references to the curriculum for any funded nursery education provided as mentioned in subsection (1)(c); and references to assessment in schools include references to assessment in funded nursery education.]

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- (3) The Authority shall have, in relation to Wales, the function of developing learning goals and related materials for children who are [^{F16}under compulsory school age.]
- (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
 - (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^{F17}; and “funded nursery education” has the meaning given by section 98 of the Education Act 2002;]

Textual Amendments

- F8** Words in s. 29 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 12** (with art. 7)
- F9** Words in s. 29(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(a)** (with art. 7)
- F10** Words in s. 29(1) substituted (19.12.2002) by Education Act 2002 (c. 32), **Sch. 17 para. 5(2)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F11** Words in s. 29(2)(a) substituted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(3)(a)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F12** S. 29(2)(b) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(b)(i)** (with art. 7)
- F13** S. 29(2)(c) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 13(b)(ii)** (with art. 7)
- F14** S. 29(2)(f) and preceding word repealed (19.12.2002) by Education Act 2002 (c. 32), ss. 189, 215(2), **Sch. 17 para. 5(3)(b), Sch. 22 Pt. 2** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F15** S. 29(2A) inserted (19.12.2002) by Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F16** Words in s. 29(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 215** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F17** Words in s. 29(5) inserted (19.12.2002) by virtue of Education Act 2002 (c. 32), s. 189, **Sch. 17 para. 5(6)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1

Modifications etc. (not altering text)

- C1** S. 29 modified (temp.) (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), arts. 1(1), **7(4)** (with art. 7)

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30 Functions of the [^{F18}National Assembly for Wales] in relation to external vocational and academic qualifications.

[^{F19}(1) This section applies for the purposes of the following functions with respect to external qualifications in relation to Wales—

- ^{F20}(a) to keep under review all aspects of such qualifications;
- ^{F20}(b) to provide support and advice to persons providing courses leading to such qualifications with a view to establishing and maintaining high standards in the provision of such courses;
- ^{F20}(c) to publish and disseminate, and assist in the publication and dissemination of, information relating to such qualifications;
- [^{F21}(ca) to develop and publish criteria for the recognition of persons who, as outside persons, award or authenticate such qualifications or credits in respect of components of such qualifications;
- (cb) to recognise, where they meet such criteria, any such persons who apply to be recognised;
- (d) to develop and publish criteria for the accreditation of such qualifications where they are awarded or authenticated by persons recognised under paragraph (cb);]
- ^{F20}(e) to accredit, where they meet such criteria, any such qualifications submitted for accreditation;
- ^{F20}(f) to make arrangements (whether or not with others) for the development, setting or administration of tests or tasks which fall to be undertaken with a view to obtaining such qualifications and which fall within a prescribed description.]

[^{F22}(1A) In subsection (1) (d)— “criteria” includes criteria that are to be applied for the purpose of ensuring that the number of different accredited qualifications in similar subject areas or serving similar functions is not excessive; and paragraph (e) of that subsection is to be construed accordingly.”;]

[^{F23}(1B) The following functions are exercisable solely by the Welsh Ministers—

- (a) the functions set out in paragraphs (ca) and (cb) of subsection (1); and
- (b) the functions set out in the other paragraphs of that subsection so far as they relate to external qualifications other than National Vocational Qualifications.

(1C) The functions set out in those other paragraphs so far as they relate to National Vocational Qualifications are exercisable as follows—

- (a) the functions set out in paragraphs (a) to (c), (d) and (ea) of subsection (1) are exercisable concurrently by the Welsh Ministers and the Qualifications and Curriculum Authority; and
- (b) the functions set out in paragraphs (e) and (f) of that subsection are exercisable solely by the Qualifications and Curriculum Authority.

(1D) Subsections (1B) and (1C) are subject to any exercise of the power conferred by subsection (2).]

[^{F24}(2) The National Assembly for Wales may by order prescribe that—

- (i) a function specified in subsection (1) which is for the time being exercisable solely by the Assembly shall be exercised concurrently by the Assembly and the Qualifications and Curriculum Authority;

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- (ii) such a function which is for the time being exercisable solely by the Qualifications and Curriculum Authority shall be exercised either concurrently by that Authority and the Assembly or solely by the Assembly;
- (iii) such a function which is for the time being exercisable concurrently by the Qualifications and Curriculum Authority and the Assembly shall be exercised solely by the Assembly.]

[^{F25}(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.]

^{F26}(4)

(5) In this section “external qualification” has the same meaning as in section 24.

[^{F27}(6) Subsection (7) of section 24 (interpretation of references to the award or authentication by outside persons of external qualifications or credits in respect of components of them) applies for the purposes of this section as it applies for the purposes of that section.]

Textual Amendments

- F18** Words in s. 30 heading substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 14** (with art. 7)
- F19** S. 30(1) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 15(a)** (with art. 7)
- F20** S. 30(1)(a)-(f): renumbered (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(3)(a)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F21** S. 30(1)(ca)-(d) substituted for s. 30(1)(d) (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(3)(b)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F22** S. 30(1A)-(1C) inserted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 15(b)** (with art. 7)
- F23** S. 30(1B)-(1D) substituted for s. 30(1B)(1C) (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(4)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F24** S. 30(2) substituted (1.4.2006) by Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 15(e)** (with art. 7)
- F25** S. 30(3) repealed (1.4.2001 for W. and otherwise *prosp.*) by 2000 c. 21, **ss. 103(4)(c)**, 153, 154, **Sch. 11**; S.I. 2001/1274, art. 2, **Sch. Pt. I**
- F26** S. 30(4) omitted (1.4.2006) by virtue of Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239), art. 1(1), **Sch. 1 para. 15(d)** (with art. 7)
- F27** S. 30(6) inserted (31.3.2009 for W.) by Education and Skills Act 2008 (c. 25), **ss. 162(5)**, 173(3)(4); S.I. 2009/784, art. 2(a)

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F28 31 Other functions of the Authority.

.....

Textual Amendments
F28 S. 31 omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), [Sch. 1 para. 16](#) (with art. 7)

32 Supplementary provisions relating to discharge by [F29 the National Assembly for Wales of its functions] .

- (1) In carrying out [F30 its functions] under this Part [F31 the National Assembly for Wales] shall—
 - F32(a)
 - F33(b)
 - (c) so far as relevant, have regard to—
 - (i) the requirements of [F34 section 99 of the Education Act 2002] (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 [F35 the National Assembly for Wales] shall in addition have regard to information supplied [F36 to it] by [F37 Her Majesty’s Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru] or by any body designated by the Secretary of State for the purposes of this section.
- (3) Where in carrying out any of [F38 its functions] under this Part [F39 the Assembly [F40 recognises any person or] accredits] F41 ... any qualification, [F42 it may] do so on such terms (including terms as to payment) F41 ... as [F42 it may] determine.
- [F43(3A) Where in carrying out those functions [F44 the National Assembly for Wales [F45 recognises any person or] accredits] any qualification, [F46 it may], at the time of [F47 recognition or of] accreditation or later, impose such conditions on [F48 recognition or] accreditation or continued [F49 recognition or] accreditation as [F46 it 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
 - [F50(b) requiring rights of entry to premises and to inspect and copy documents so far as necessary for [F51 the National Assembly for Wales] —
 - (i) to satisfy [F52 itself] that the appropriate standards are being [F53 maintained by the recognised person in question in relation to the award or authentication of qualifications generally or in relation to the award or authentication of the qualification in question], or
 - (ii) to determine whether to impose a condition falling within paragraph (a) and if so what that condition should be.]

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[^{F54}(4A) Where authorised to do so under paragraph 2(3) of Schedule 4, the National Assembly for Wales may act as agent for the Qualifications and Curriculum Authority in connection with the exercise of any of that Authority’s functions in relation to Wales.]

^{F55}(5)

(6) In this section “persons with special learning needs” has the same meaning as in section 26.

Textual Amendments

- F29** Words in s. 32 heading substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 17** (with art. 7)
- F30** Words in s. 32(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(a)(i)** (with art. 7)
- F31** Words in s. 32(1) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(a)(ii)** (with art. 7)
- F32** S. 32(1)(a) omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(a)(iii)** (with art. 7)
- F33** S. 32(1)(b) omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(a)(iii)** (with art. 7)
- F34** Words in s. 32(1)(c)(i) substituted (19.12.2002 for W., 1.3.2003 for E.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), Sch. 21 para. 70 (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), art. 4, Sch. Pt. 1; [S.I. 2003/124](#), art. 2
- F35** Words in s. 32(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(b)(i)** (with art. 7)
- F36** Words in s. 32(2) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(b)(ii)** (with art. 7)
- F37** Words in s. 32(2) substituted (1.1.2001) by [2000 c. 21, s. 73\(a\)](#); [S.I. 2000/3230](#), art. 2, **Sch.**
- F38** Words in s. 32(3) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(c)(i)** (with art. 7)
- F39** Words in s. 32(3) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(c)(ii)** (with art. 7)
- F40** Words in s. 32(3) inserted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(7), 173(3)(4)**; [S.I. 2009/784](#), art. 2(a)
- F41** Words in s. 32(3) repealed (19.12.2002) by [Education Act 2002 \(c. 32\)](#), ss. 189, 215(2), Sch. 17 para. 7(2), **Sch. 22 Pt. 2** (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), arts. 2, 4, Sch. Pt. 1
- F42** Words in s. 32(3) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(c)(iii)** (with art. 7)
- F43** S. 32(3A) inserted (19.12.2002) by [Education Act 2002 \(c. 32\)](#), s. 189, **Sch. 17 para. 7(3)** (with ss. 210(8), 214(4)); [S.I. 2002/3185](#), arts. 2, 4, Sch. Pt. 1

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- F44** Words in s. 32(3A) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(d)(i)** (with art. 7)
- F45** Words in s. 32(3A) inserted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(8)(a)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F46** Words in s. 32(3A) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(d)(ii)** (with art. 7)
- F47** Words in s. 32(3A) inserted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(8)(b)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F48** Words in s. 32(3A) inserted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(8)(c)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F49** Words in s. 32(3A) inserted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(8)(d)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F50** S. 32(4)(b) substituted (19.12.2002) by [Education Act 2002 \(c. 32\)](#), s. 189, **Sch. 17 para. 7(4)** (with ss. 210(8), 214(4)); S.I. 2002/3185, arts. 2, 4, Sch. Pt. 1
- F51** Words in s. 32(4)(b) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(e)(i)** (with art. 7)
- F52** Word in s. 32(4)(b) substituted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(e)(ii)** (with art. 7)
- F53** Words in s. 32(4)(b)(i) substituted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), **ss. 162(9)**, 173(3)(4); S.I. 2009/784, art. 2(a)
- F54** S. 32(4A) inserted (1.4.2006) by [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(f)** (with art. 7)
- F55** S. 32(5) omitted (1.4.2006) by virtue of [Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 1(1), **Sch. 1 para. 18(g)** (with art. 7)

[^{F56}32A Power of Welsh Ministers to give directions

- (1) If it appears to the Welsh Ministers—
 - (a) that any recognised person has failed or is likely to fail to comply with any condition subject to which the recognition has effect, and
 - (b) that the failure—
 - (i) prejudices or would be likely to prejudice the proper award or authentication by that person of any qualification accredited by them or by the Qualifications and Curriculum Authority, or
 - (ii) prejudices or would be likely to prejudice persons who might reasonably be expected to seek to obtain any such qualification awarded or authenticated by that person,

the Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the recognition has effect.
- (2) If it appears to the Welsh Ministers—
 - (a) that any recognised person who awards or authenticates any qualification accredited by them has failed or is likely to fail to comply with any condition subject to which the accreditation has effect, and

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- (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 Welsh Ministers may direct the recognised person to take or refrain from taking specified steps with a view to securing compliance with the conditions subject to which the accreditation has effect.
- (3) It shall be the duty of the recognised person to comply with any direction under this section.
- (4) Any direction under this section is enforceable, on the application of the Welsh Ministers, by a mandatory order.
- (5) In this section “recognised person” means a person recognised by the Welsh Ministers.
- (6) In this section any reference to the award or authentication of any qualification by any person is a reference to its award or authentication by any person alone or jointly with others.]

Textual Amendments

F56 S. 32A substituted (31.3.2009 for W.) by [Education and Skills Act 2008 \(c. 25\)](#), ss. **162(10)**, **173(3)(4)**; [S.I. 2009/784](#), art. 2(a)

Status:

Point in time view as at 31/03/2009.

Changes to legislation:

Education Act 1997, Cross Heading: Functions of the National Assembly for Wales is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.