



# Education Act 1997

## 1997 CHAPTER 44

### PART V

#### SUPERVISION OF CURRICULUM FOR SCHOOLS AND EXTERNAL QUALIFICATIONS

### CHAPTER II

#### [<sup>F1</sup>FUNCTIONS OF THE NATIONAL ASSEMBLY FOR WALES]

#### *Functions of the [<sup>F1</sup>National Assembly for Wales]*

### 32 Supplementary provisions relating to discharge by [<sup>F1</sup>the National Assembly for Wales of its functions] .

- (1) In carrying out [<sup>F2</sup>its functions] under this Part [<sup>F3</sup>the National Assembly for Wales] shall—
- <sup>F4</sup>(a) .....
  - <sup>F5</sup>(b) .....
  - (c) so far as relevant, have regard to—
    - (i) the requirements of [<sup>F6</sup>section 99 of the Education Act 2002] (general duties in respect of curriculum),
    - (ii) the [<sup>F7</sup>reasonable] requirements of industry, commerce, finance and the professions regarding education and training (including required standards of practical competence), and
    - [<sup>F8</sup>(iii) the reasonable requirements of persons with learning difficulties.]
- (2) In carrying out those functions [<sup>F9</sup>the National Assembly for Wales] shall in addition have regard to information supplied [<sup>F10</sup>to it] by [<sup>F11</sup>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.

*Status: Point in time view as at 01/10/2013. This version of this provision has been superseded.*

*Changes to legislation: Education Act 1997, Section 32 is up to date with all changes known to be in force on or before 15 July 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. (See end of Document for details)*

- (3) Where in carrying out any of [<sup>F12</sup>its functions] under this Part [<sup>F13</sup>the Assembly [<sup>F14</sup>recognises any person or] accredits]<sup>F15</sup>... any qualification, [<sup>F16</sup>it may] do so on such terms (including terms as to payment) <sup>F15</sup>... as [<sup>F16</sup>it may] determine.
- <sup>F17</sup>(3A) Where in carrying out those functions [<sup>F18</sup>the National Assembly for Wales [<sup>F19</sup>recognises any person or] accredits] any qualification, [<sup>F20</sup>it may], at the time of [<sup>F21</sup>recognition or of] accreditation or later, impose such conditions on [<sup>F22</sup>recognition or] accreditation or continued [<sup>F23</sup>recognition or] accreditation as [<sup>F20</sup>it may] determine.]
- (4) Those conditions may in particular include conditions—
- <sup>F24</sup>(a) limiting the amount of a fee that can be charged for the award or authentication of, or for the provision of any other service in relation to, the qualification in question;] and
- <sup>F25</sup>(b) requiring rights of entry to premises and to inspect and copy documents so far as necessary for [<sup>F26</sup>the National Assembly for Wales] —
- (i) to satisfy [<sup>F27</sup>itself] that the appropriate standards are being [<sup>F28</sup>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.]
- <sup>F29</sup>(4A) .....
- <sup>F30</sup>(5) .....
- <sup>F31</sup>(6) In this section “persons with learning difficulties” means—
- (a) children with special educational needs (as defined in section 312 of the Education Act 1996), and
- (b) other persons who—
- (i) have a significantly greater difficulty in learning than the majority of persons of their age, or
- (ii) have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for persons of their age.
- (7) But a person is not to be taken to have a learning difficulty solely because the language (or form of language) in which the person is or will be taught is different from a language (or form of language) which has at any time been spoken in the person's home.]

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)

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- F4** 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)
- F5** 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)
- F6** 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
- F7** Word in s. 32(1)(c)(ii) inserted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(2)(a)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F8** S. 32(1)(c)(iii) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(2)(b)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F9** 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)
- F10** 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)
- F11** Words in s. 32(2) substituted (1.1.2001) by 2000 c. 21, s. 73(a); S.I. 2000/3230, art. 2, **Sch.**
- F12** 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)
- F13** 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)
- F14** 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)
- F15** 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
- F16** 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)
- F17** 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
- F18** 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)
- F19** 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)
- F20** 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)
- F21** 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)
- F22** 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)
- F23** 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)
- F24** S. 32(4)(a) substituted (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(3)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F25** 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

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- F26** 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)
- F27** 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)
- F28** 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)
- F29** S. 32(4A) repealed (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), Sch. 12 para. 16(4), **Sch. 16 Pt. 4**; S.I. 2010/2413, art. 2(a)(b) (with arts. 3-5)
- F30** 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)
- F31** S. 32(6)(7) substituted for s. 32(6) (1.11.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(3), **Sch. 12 para. 16(5)**; S.I. 2010/2413, art. 2(a) (with arts. 3-5)

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