

## QUALIFICATIONS WALES BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Huw Lewis AM on 21 April 2015.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
13	Section 1, page 1, after line 31, insert— ( ) Part [ <i>new Part to be inserted by amendment 26</i> ] enables Qualifications Wales to designate a qualification for the purpose of enabling a course leading to it to be funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales.’.	Adran 1, tudalen 1, ar ôl llinell 33, mewnosoder— ( ) Mae Rhan [ <i>Rhan newydd i’w mewnosod gan welliant 26</i> ] yn galluogi Cymwysterau Cymru i ddynodi cymhwyster at ddiben galluogi i gwrs sy’n arwain ato gael ei gyllido gan Weinidogion Cymru neu awdurdod lleol yng Nghymru, neu ei ddarparu gan neu ar ran ysgol a gynhelir yng Nghymru.’.	The purpose is to include, in the Overview, a summary of a new Part introduced by amendment 26.
14	Section 1, page 2, line 2, after ‘by’, insert ‘or on behalf of’.	Adran 1, tudalen 2, llinell 4, ar ôl ‘gan’, mewnosoder ‘neu ar ran’.	This is a technical amendment to ensure consistency between the Overview and the wording of the current Part 5 at section 29.
15	Section 1, page 2, line 3, after ‘approved’, insert ‘or designated’.	Adran 1, tudalen 2, llinell 1, hepgorer ‘cymeradwyo’r’ a mewnosoder ‘cymeradwyo neu ddynodi’r’.	The purpose is to reflect in the Overview the changes that are intended to be introduced by amendments 26, 27, 30 and 31.
16	Section 1, page 2, line 7, leave out ‘imposed by Qualification Wales in respect of the award of a form of a qualification’ and insert ‘of recognition imposed by Qualifications Wales so that they do not apply in respect of the award of qualifications’.	Adran 1, tudalen 2, llinell 7, hepgorer ‘a osodir gan Gymwysterau Cymru mewn cysylltiad â dyfarnu ffurf ar gymhwyster’ a mewnosoder ‘cydnabod a osodir gan Gymwysterau Cymru fel nad ydynt yn gymwys mewn cysylltiad â dyfarnu cymwysterau’.	The purpose is to reflect, in the summary of Part 5, the amendments to that Part.
17	Section 3, page 3, line 32, leave out ‘in Wales’ and insert ‘to persons assessed wholly or mainly in Wales for this purpose’.	Adran 3, tudalen 3, llinell 30, hepgorer ‘yng Nghymru drwyddi’ a mewnosoder ‘drwyddi i bersonau a asesir yn gyfan gwbl neu’n bennaf yng Nghymru at y diben hwn’.	The purpose of the amendment is to clarify the definition of “Welsh qualification system” in Part 2. The effect is that “awarded in Wales” in section 3(3) is clarified to mean “awarded to persons assessed wholly or mainly in Wales”. This is consistent with the drafting of section 12(3), section 16(6) and section 30(4). Section 52(4)

			explains what it means for a person to be “assessed wholly or mainly in Wales”.
18	Section 4, page 4, after line 3, insert—  (3) Part [ <i>new Part to be inserted by amendment 26</i> ] (designation of other qualifications) makes provision for a body that is recognised under this Part in respect of the award of a qualification to apply to Qualifications Wales for a form of that qualification to be designated under section [ <i>section to be inserted by amendment 26</i> ].’.	Adran 4, tudalen 4, ar ôl llinell 3, mewnosoder—  (3) Mae Rhan [ <i>Rhan newydd i’w mewnosod gan welliant 26</i> ] (dynodi cymwysterau eraill) yn gwneud darpariaeth i gorff a gydnabyddir o dan y Rhan hon mewn cysylltiad â dyfarnu cymhwyster wneud cais i Gymwysterau Cymru i ffurf ar y cymhwyster hwnnw gael ei dynodi o dan adran [ <i>adran i’w mewnosod gan welliant 26</i> ].’.	This amendment is consequential on amendment 26.  The effect is that there is a cross-reference to the new Part which amendment 26 would introduce in Part 3 of the Bill, so that it is clear that not only may recognised bodies apply for approval of their qualifications (as is provided for in section 4(2)), but they may apply for designation of their qualifications. Only awarding bodies that have been recognised under Part 3 would be able to submit qualifications (which must be ones in respect of which they are recognised) to Qualifications Wales for designation.
19	Section 8, page 4, line 29, leave out ‘in respect of the award of’ and insert ‘as a body awarding’.	Adran 8, tudalen 4, llinell 31, hepgorer ‘mewn cysylltiad â’ a mewnosoder ‘yn gorff sy’n’.	The purpose is to clarify that an awarding body may apply for general recognition as a body that awards qualifications in Wales.  The amendment relates to amendment 35 and reflects the intended extension of Qualifications Wales’ powers so that conditions of recognition apply to all qualifications (within the Bill’s scope) awarded in Wales by recognised bodies and in respect of which the body is recognised.
20	Section 8, page 4, after line 30, insert—  ( ) The awarding body may specify in its application a qualification or description of qualification in respect of the award of which it does not wish to be recognised.’.	Adran 8, tudalen 4, ar ôl llinell 31, mewnosoder—  ( ) Caiff y corff dyfarnu bennu yn ei gais gymhwyster neu ddisgrifiad o gymhwyster nad yw’n dymuno cael ei gydnabod mewn cysylltiad â’i ddyfarnu.’.	The purpose is to enable an awarding body to exclude certain qualifications or descriptions of qualifications that it awards in Wales from regulation under the conditions of recognition.  This amendment is related to amendment 35 which would enable Qualifications Wales to regulate all qualifications (as defined in section 51 of the Bill) awarded by recognised bodies in

			Wales and in respect of which they are recognised, rather than only approved qualifications offered by the recognised bodies. As general recognition covers all qualifications awarded in Wales except those for which there are specific recognition criteria, the effect of the amendment is that an awarding body may exclude qualifications or descriptions of qualifications, from regulation by Qualifications Wales.
21	Section 8, page 4, line 32, leave out ‘in respect of the award of qualifications in Wales’.	Adran 8, tudalen 4, llinell 33, hepgorer ‘mewn cysylltiad â dyfarnu cymwysterau yng Nghymru’.	<p>This amendment is linked to amendments 35 and 19 in that its purpose is to clarify that an awarding body will be recognised generally, as a body that awards qualifications in Wales.</p> <p>The effect is that there is consistency with other provisions (which are intended to be amended) which have the effect that recognition is as a body awarding qualifications in Wales.</p>
22	Section 8, page 4, line 35, leave out ‘in respect of the award of qualifications in Wales’.	Adran 8, tudalen 4, llinell 36, hepgorer ‘mewn cysylltiad â dyfarnu cymwysterau yng Nghymru’.	<p>This amendment is linked to amendments 19 and 21 in that its purpose is to clarify that an awarding body will be recognised generally, as a body that awards qualifications in Wales.</p> <p>The effect is that there is consistency with other provisions (which are intended to be amended) which have the effect that recognition is as a body awarding qualifications in Wales.</p>
23	Section 8, page 5, after line 5, insert— ‘() Where a qualification or description of qualification is specified by an awarding body in accordance with subsection [subsection to be inserted by amendment 20], references to the general recognition	Adran 8, tudalen 5, ar ôl llinell 5, mewnosoder— ‘() Pan fo cymhwyster neu ddisgrifiad o gymhwyster wedi ei bennu gan gorff dyfarnu yn unol ag is-adran [is-adran i’w mewnosod gan welliant 20], nid yw cyfeiriadau at y meini prawf cydnabod cyffredinol yn is-adrannau (2)	The amendment is linked to amendments 35 and 20 and its purpose is to adjust the application process for recognition for cases where the awarding body has excluded qualifications from its application (which amendment 20 would allow it to do).

	<p>criteria in subsections (2) to (4) are not to be treated as including criteria that apply only in respect of the award of the qualification or description of qualification specified.</p> <p>( ) Where an awarding body is recognised other than in respect of the award of a qualification or description of qualification specified by it in accordance with subsection [subsection to be inserted by amendment 20], it may apply to Qualifications Wales to be recognised in respect of the award of the qualification or description of qualification.</p> <p>( ) Subsections (2) to [first subsection to be inserted by this amendment] apply for the purposes of an application under subsection [second subsection to be inserted by this amendment] as if it were an application under subsection (1).'</p>	<p>i (4) i gael eu trin fel pe baent yn cynnwys meini prawf nad ydynt ond yn gymwys mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster a bennir.</p> <p>( ) Pan fo corff dyfarnu wedi ei gydnabod ac eithrio mewn cysylltiad â dyfarnu cymhwyster neu ddisgrifiad o gymhwyster a bennir ganddo yn unol ag is-adran [is-adran i'w mewnosod gan welliant 20], caiff wneud cais i Gymwysterau Cymru i gael ei gydnabod mewn cysylltiad â dyfarnu'r cymhwyster neu'r disgrifiad o gymhwyster.</p> <p>( ) Mae is-adrannau (2) i [is-adran gyntaf i'w mewnosod gan y gwelliant hwn] yn gymwys at ddibenion cais o dan is-adran [ail is-adran i'w mewnosod gan y gwelliant hwn] fel pe bai'n gaiso dan is-adran (1).'</p>	<p>Where an awarding body applies for general recognition and has specified under amendment 20 that it does not want to be generally recognised in respect of some qualifications or description of qualifications, the effect of this amendment is that:</p> <ul style="list-style-type: none"> <li>• when considering an awarding body's application in such cases, Qualifications Wales must not consider any criteria which are only relevant to the qualifications that the awarding body wants to exclude from recognition;</li> <li>• where an awarding body is recognised, but not for qualifications it has previously excluded, it may apply to Qualifications Wales to be recognised for those particular qualifications. It need only submit an application to be recognised for those particular qualifications;</li> <li>• such an application would need to be made to Qualifications Wales under section 8.</li> </ul>
24	<p>Section 8, page 5, line 8, after 'apply', insert— , and</p> <p>(a) any qualification or description of qualification specified in accordance with subsection [subsection to be inserted by amendment 20]'</p>	<p>Adran 8, tudalen 5, llinell 8, ar ôl 'hwy', mewnosoder— , a</p> <p>(a) unrhyw gymhwyster neu ddisgrifiad o gymhwyster a bennir yn unol ag is-adran [is-adran i'w mewnosod gan welliant 20]'</p>	<p>This amendment is consequential on amendment 20 whose purpose is to enable an awarding body to exclude qualifications from regulation by Qualifications Wales through conditions of recognition. The amendment is also linked to amendments 23 and 35.</p> <p>The effect of this amendment is that general recognition of a body is not in respect of qualifications or descriptions of qualifications specified by the awarding body under section 8 new subsection (2).</p>

25	<p>Section 12, page 6, line 16, after ‘8’, insert ‘(provided that the qualification is not one that is specified, or of a description specified, by the body under section 8(<i>subsection to be inserted by amendment 20</i>)) and is not one in respect of which recognition of the body has ceased to have effect as set out in paragraph 1(2) of Schedule 3)’.</p>	<p>Adran 12, tudalen 6, llinell 17, ar ôl ‘8’, mewnosoder ‘(ar yr amod nad yw’r cymhwyster yn un a bennir, neu o ddisgrifiad a bennir, gan y corff o dan adran 8(<i>is-adran i’w mewnosod gan welliant 20</i>)) ac nad yw’n un y mae cydnabyddiaeth o’r corff mewn cysylltiad ag ef wedi peidio â chael effaith fel y’i nodir ym mharagraff 1(2) o Atodlen 3)’.</p>	<p>This amendment is consequential to amendments 20 and 24. Its purpose is to clarify in the interpretation section of Part 3 what is meant by “recognition” in light of amendments made by amendments 20 and 24.</p> <p>The effect is that in the interpretation of the Bill general recognition in respect of the award of a qualification does not include qualifications which have been specified by an awarding body under section 8 new subsection (2) (amendment 20), nor any in respect of which recognition has ceased under Schedule 3.</p>
26	<p>To insert a new section—</p> <p style="text-align: center;"><b>‘PART 5</b></p> <p style="text-align: center;"><b>DESIGNATION OF OTHER QUALIFICATIONS</b></p> <p><b>[ ] Designation of other qualifications</b></p> <p>(1) Qualifications Wales may, on application under subsection (2), designate a form of qualification under this section.</p> <p>(2) An application under this subsection is an application by a recognised body to Qualifications Wales for a form of qualification—</p> <p style="padding-left: 40px;">(a) offered by it, and</p> <p style="padding-left: 40px;">(b) in respect of which it is recognised, to be designated under this section.</p> <p>(3) Qualifications Wales may not designate a form of qualification under this section unless it is satisfied that the following</p>	<p>I fewnosod adran newydd—</p> <p style="text-align: center;"><b>‘RHAN 5</b></p> <p style="text-align: center;"><b>DYNODI CYMWYSTERAU ERAILL</b></p> <p><b>[ ] Dynodi cymwysterau eraill</b></p> <p>(1) Caiff Cymwysterau Cymru, ar gais o dan is-adran (2), ddynodi ffurf ar gymhwyster o dan yr adran hon.</p> <p>(2) Mae cais o dan yr is-adran hon yn gais gan gorff cydnabyddedig i Gymwysterau Cymru i ffurf ar gymhwyster—</p> <p style="padding-left: 40px;">(a) a gynigir ganddo, a</p> <p style="padding-left: 40px;">(b) y’i cydnabyddir mewn cysylltiad â hi,</p> <p style="padding-left: 40px;">gael ei dynodi o dan yr adran hon.</p> <p>(3) Ni chaiff Cymwysterau Cymru ddynodi ffurf ar gymhwyster o dan yr adran hon oni bai ei fod wedi ei fodloni bod yr amodau a ganlyn</p>	<p>The purpose of this amendment is to insert a new section: “Designation of other qualifications”.</p> <p>The effect of the amendment is to give Qualifications Wales the power to designate a form of a qualification (which is within the awarding body’s recognition) so that the designated qualification is eligible to be provided on publicly-funded courses for under 19s. As currently drafted, only approved qualifications provided by a recognised body would be eligible for such funding and for provision by or on behalf of maintained schools (section 29) (although the Welsh Ministers have a power to exempt a course under section 29(6) from this restriction).</p> <p>A recognised body may apply for designation in respect of a form of qualification it offers and in respect of which it is recognised.</p> <p>Qualifications Wales can only make a designation if satisfied that conditions in subsection (4) are</p>

	<p>conditions are met.</p> <p>(4) The conditions are that—</p> <p>(a) it would be appropriate for a course of education or training that is within section 29(2) and that leads to the award of the form of qualification to be publicly funded, and</p> <p>(b) it is currently appropriate, with a view to permitting that public funding, to designate the form of qualification under this section rather than approve it under Part 4.</p> <p>(5) For the purposes of subsection (4)(a) a course of education or training is publicly funded if it is funded by the Welsh Ministers or a local authority in Wales, or provided by or on behalf of a maintained school in Wales (within the meaning given by section 29(10)).</p> <p>(6) The reference in subsection (4)(a) to a course of education or training is a reference to a specific course of education or training or to such courses generally.</p> <p>(7) In this Part, references to a section [<i>section to be inserted by this amendment</i>] designation are to a designation of a form of a qualification under this section.’</p>	<p>wedi eu bodloni.</p> <p>(4) Yr amodau yw—</p> <p>(a) y byddai'n briodol i gwrs addysg neu hyfforddiant sydd o fewn adran 29(2) ac sy'n arwain at ddyfarnu'r ffurf ar gymhwyster gael ei gyllido'n gyhoeddus, a</p> <p>(b) ei bod yn briodol ar hyn o bryd, gyda golwg ar ganiatáu'r cyllid cyhoeddus hwnnw, ddynodi'r ffurf ar gymhwyster o dan yr adran hon yn hytrach na'i chymeradwyo o dan Ran 4.</p> <p>(5) At ddibenion is-adran (4)(a) mae cwrs addysg neu hyfforddiant yn cael ei gyllido'n gyhoeddus os y'i cyllidir gan Weinidogion Cymru neu awdurdod lleol yng Nghymru, neu os y'i darperir gan neu ar ran ysgol a gynhelir yng Nghymru (o fewn yr ystyr a roddir gan adran 29(10)).</p> <p>(6) Mae'r cyfeiriad yn is-adran (4)(a) at gwrs addysg neu hyfforddiant penodol neu at gyrsiau o'r fath yn gyffredinol.</p> <p>(7) Yn y Rhan hon, mae cyfeiriadau at ddynodiad adran [<i>adran i'w mewnosod gan y gwelliant hwn</i>] yn gyfeiriadau at ddynodi ffurf ar gymhwyster o dan yr adran hon.’</p>	<p>met. The conditions relate to the appropriateness of the qualification being used on a publicly funded course and to the appropriateness of the qualification being designated rather than approved.</p> <p>The amendment is intended to address a number of circumstances:</p> <p>i) assisting with continuity of provision for under 19 learners in the transition of qualifications accredited by Welsh Ministers into the new regulatory regime (giving a route other than approval for such courses to remain publicly funded while not conferring a status of 'approved' on qualifications that Qualifications Wales has not been able to consider);</p> <p>ii) to enable Qualifications Wales (on an ongoing basis) to allow the public funding of courses leading to particular forms of qualification so that gaps in the publicly funded provision of qualifications do not arise where qualifications are not submitted for approval;</p> <p>iii) to provide an alternative mechanism for Qualifications Wales to make decisions about qualifications, thereby reducing the likelihood of Welsh Ministers having to make frequent exemptions for courses leading to qualifications not approved by Qualifications Wales.</p>
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27	<p>To insert a new section—</p> <p><b>‘[ ] Further provision about section [section to be inserted by amendment 26] designations</b></p> <p>(1) If Qualifications Wales makes a section [section to be inserted by amendment 26] designation, it must specify the date from which the designation has effect and the date with the expiry of which it ceases to have effect.</p> <p>(2) A section [section to be inserted by amendment 26] designation ceases to have effect –</p> <p>(a) if the awarding body in respect of which the form of qualification in question is designated ceases to be recognised in respect of that form of qualification, at the same time as that recognition ceases to have effect (for which see paragraph 1(2) of Schedule 3);</p> <p>(b) if the form of qualification in question is approved under Part 4, from the coming into effect of the approval as specified under section 23 (but see section [section to be inserted by amendment 28]).</p> <p>(3) Subsection (4) applies where a form of a qualification is designated under section [section to be inserted by amendment 26] and the qualification is a restricted priority qualification (for which see section 14).</p>	<p>I fewnosod adran newydd—</p> <p><b>‘[ ] Darpariaeth bellach ynghylch dynodiadau adran [adran i’w mewnosod gan welliant 26]</b></p> <p>(1) Os yw Cymwysterau Cymru yn gwneud dynodiad adran [adran i’w mewnosod gan welliant 26], rhaid iddo bennu’r dyddiad y mae’r dynodiad yn cael effaith ohono a’r dyddiad y mae’n peidio â chael effaith pan ddaw i ben.</p> <p>(2) Mae dynodiad adran [adran i’w mewnosod gan welliant 26] yn peidio â chael effaith—</p> <p>(a) os yw’r corff dyfarnu y mae’r ffurf ar gymhwyster o dan sylw wedi ei dynodi mewn cysylltiad ag ef yn peidio â chael ei gydnabod mewn cysylltiad â’r ffurf honno ar gymhwyster, ar yr un pryd ag y mae’r gydnabyddiaeth honno yn peidio â chael effaith (gweler paragraff 1(2) o Atodlen 3 am hyn);</p> <p>(b) os yw’r ffurf ar gymhwyster o dan sylw yn cael ei chymeradwyo o dan Ran 4, o ddyfodiad i rym y gymeradwyaeth fel y’i pennir o dan adran 23 (ond gweler adran [adran i’w mewnosod gan welliant 28]).</p> <p>(3) Mae is-adran (4) yn gymwys pan fo ffurf ar gymhwyster wedi ei dynodi o dan adran [adran i’w mewnosod gan welliant 26] a bod y cymhwyster yn gymhwyster blaenoriaethol cyfyngedig (gweler adran 14 am hyn).</p>	<p>The purpose of this amendment is to insert a new section “Further provision about section [section to be inserted by amendment 26] designations”.</p> <p>The effect of this amendment is that:</p> <p>i) designations under the new Part are time limited. The start and end dates are to be specified by Qualifications Wales (subparagraph (1));</p> <p>ii) designations will also cease to have effect in the following circumstances (in which case Qualifications Wales must notify the awarding body of the date from which it ceases to have effect):</p> <ol style="list-style-type: none"> <li>1. if the body’s recognition ceases in respect of the form of qualification that has been designated;</li> <li>2. if the form of designated qualification is approved under Part 4 (i.e. the designated qualification becomes approved). However a power is provided in amendment 28 for transitional arrangement to be made if Qualifications Wales considers it appropriate to do so;</li> <li>3. If the form of qualification is a restricted priority qualification, at the time that the first approval of a form of the restricted priority qualification comes into effect (as provided for under section 23) (as mentioned above, there is also a power in amendment 28 for Qualifications Wales to make a transitional</li> </ol>
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	<p>(4) The section [<i>section to be inserted by amendment 26</i>] designation referred to in subsection (3) ceases to have effect from the coming into effect of the first approval of any form of the restricted priority qualification under section 16 or 17 as specified under section 23 (but see section [<i>section to be inserted by amendment 28</i>]).</p> <p>(5) If a section [<i>section to be inserted by amendment 26</i>] designation ceases to have effect in accordance with subsection (2) or (4), Qualifications Wales must give the awarding body concerned notice of the date from which the designation ceases to have effect.</p> <p>(6) Qualifications Wales may specify that a section [<i>section to be inserted by amendment 26</i>] designation is to have effect for specific purposes, including by reference to the circumstances in which the qualification is awarded and the person or description of person to whom the qualification may be awarded.</p> <p>(7) A section [<i>section to be inserted by amendment 26</i>] designation must be published by Qualifications Wales.’.</p>	<p>(4) Mae'r dynodiad adran [<i>adran i'w mewnosod gan welliant 26</i>] y cyfeirir ato yn is-adran (3) yn peidio â chael effaith o ddyfodiad i rym y gymeradwyaeth gyntaf i unrhyw ffurf ar y cymhwyster blaenoriaethol cyfyngedig o dan adran 16 neu 17 fel y'i pennir o dan adran 23 (ond gweler adran [<i>adran i'w mewnosod gan welliant 28</i>]).</p> <p>(5) Os yw dynodiad adran [<i>adran i'w mewnosod gan welliant 26</i>] yn peidio â chael effaith yn unol ag is-adran (2) neu (4), rhaid i Gymwysterau Cymru roi i'r corff dyfarnu o dan sylw hysbysiad am y dyddiad y mae'r dynodiad yn peidio â chael effaith ohono.</p> <p>(6) Caiff Cymwysterau Cymru bennu bod dynodiad adran [<i>adran i'w mewnosod gan welliant 26</i>] i gael effaith at ddibenion penodol, gan gynnwys drwy gyfeirio at yr amgylchiadau y dyfernir y cymhwyster odanynt a'r person neu'r disgrifiad o berson y caniateir i'r cymhwyster gael ei ddyfarnu iddo.</p> <p>(7) Rhaid i Gymwysterau Cymru gyhoeddi dynodiad adran [<i>adran i'w mewnosod gan welliant 26</i>].’.</p>	<p>arrangement in these circumstances);</p> <p>iii) Qualifications Wales may specify the purpose for which a designation has effect, which could be by reference to the circumstances in which, or the persons to whom, a designated qualification may be awarded. This would enable Qualifications Wales to state, for example, that the qualification must not be offered to learners younger than any lower age limit placed on the qualification by Qualifications Wales (similar to, for example, an award limitation condition under amendment 31 for approved qualifications);</p> <p>iv) Qualifications Wales must publish designations.</p>
28	<p>To insert a new section—</p> <p>‘[ ] <b>Transitional provision in connection with section [<i>section to be inserted by amendment 26</i>] designations</b></p> <p>(1) If Qualifications Wales considers it</p>	<p>I fewnosod adran newydd—</p> <p>‘[ ] <b>Darpariaeth drosiannol mewn cysylltiad â dynodiadau adran [<i>adran i'w mewnosod gan welliant 26</i>]</b></p> <p>(1) Os yw Cymwysterau Cymru yn ystyried ei</p>	<p>The purpose of this amendment is to insert a new section “Transitional provision in connection with section [<i>section to be inserted by amendment 26</i>] designations”.</p> <p>The effect is to allow Qualifications Wales in some cases, to provide for designations to</p>

	<p>appropriate to do so for the purpose of avoiding prejudice to persons who are seeking, or might reasonably be expected to seek, to obtain a form of qualification that has been designated under section [section to be inserted by amendment 26], it may make provision that is within subsection (2).</p> <p>(2) Provision within this subsection is provision to the effect that, despite section [section to be inserted by amendment 27](2)(b) or (4), a form of qualification designated under section [section to be inserted by amendment 26] is to be treated, for purposes specified by Qualifications Wales, as being designated under section [section to be inserted by amendment 26] until the expiry of a date specified by Qualifications Wales.’.</p>	<p>bod yn briodol gwneud hynny at ddiben osgoi effaith andwyol ar bersonau sy'n ceisio cael, neu y gellid disgwyl yn rhesymol iddynt geisio cael, ffurf ar gymhwyster sydd wedi ei dynodi o dan adran [adran i'w mewnosod gan welliant 26], caiff wneud darpariaeth sydd o fewn is-adran (2).</p> <p>(2) Mae darpariaeth o fewn yr is-adran hon yn ddarpariaeth i'r perwyl, er gwaethaf adran [adran i'w mewnosod gan welliant 27](2)(b) neu (4), fod ffurf ar gymhwyster sydd wedi ei dynodi o dan adran [adran i'w mewnosod gan welliant 26] i gael ei thrin, at ddibenion a bennir gan Gymwysterau Cymru, fel pe bai wedi ei dynodi o dan adran [adran i'w mewnosod gan welliant 26] hyd nes y daw dyddiad a bennir gan Gymwysterau Cymru i ben.’.</p>	<p>continue to have effect for limited purposes after they have ceased, otherwise, to have effect (due either to the form of qualification being approved, or to an approval of a restricted priority form of the qualification taking effect).</p> <p>Qualifications Wales may provide for the form of the qualification which was designated to be treated <i>as if it were designated</i> for the purposes and period of time specified by Qualifications Wales.</p> <p>This transitional provision may only be made where Qualifications Wales considers it appropriate to do so for the purpose of avoiding prejudice to learners seeking to obtain the form of the qualification.</p>
29	<p>To insert a new section—</p> <p>‘[ ] <b>Revocation of section [section to be inserted by amendment 26] designations</b></p> <p>(1) Qualifications Wales may revoke a section [section to be inserted by amendment 26] designation.</p> <p>(2) Before revoking a section [section to be inserted by amendment 26] designation, Qualifications Wales must give the recognised body in respect of which the form of qualification in question is designated notice of its intention to do so.</p> <p>(3) The notice must—</p>	<p>I fewnosod adran newydd—</p> <p>‘[ ] <b>Dirymu dynodiadau adran [adran i'w mewnosod gan welliant 26]</b></p> <p>(1) Caiff Cymwysterau Cymru ddirymu dynodiad adran [adran i'w mewnosod gan welliant 26].</p> <p>(2) Cyn dirymu dynodiad adran [adran i'w mewnosod gan welliant 26], rhaid i Gymwysterau Cymru roi i'r corff cydnabyddedig y mae'r ffurf ar gymhwyster o dan sylw wedi ei dynodi mewn cysylltiad ag ef hysbysiad am ei fwriad i wneud hynny.</p> <p>(3) Rhaid i'r hysbysiad—</p> <p>(a) esbonio pam y mae Cymwysterau</p>	<p>The purpose of this amendment is to insert a new section “Revocation of section [section to be inserted by amendment 26] designations”.</p> <p>The effect is that:</p> <p>i) Qualifications Wales may revoke a designation;</p> <p>ii) prior to doing so, it must give notice of its intention to the relevant recognised awarding body, including why it is proposing to revoke and when it is due to decide whether or not to revoke. Qualifications Wales must have regard to any representations made by the recognised body and, if it decides to revoke, must give notice to the recognised body of</p>

	<p>(a) explain why Qualifications Wales proposes to revoke the section [section to be inserted by amendment 26] designation, and</p> <p>(b) specify when Qualifications Wales proposes to decide whether to revoke the section [section to be inserted by amendment 26] designation.</p> <p>(4) In deciding whether to revoke a section [section to be inserted by amendment 26] designation, Qualifications Wales must have regard to any representations made by the recognised body.</p> <p>(5) If Qualifications Wales decides to revoke a section [section to be inserted by amendment 26] designation, it must give notice to the recognised body of the decision explaining when the revocation is to take effect.</p> <p>(6) The revocation is to take effect on 1 September falling in the year after the decision to revoke has been made but the revocation applies only in relation to a learner starting a course of education or training on or after that date.</p> <p>(7) The notice under subsection (5) must be given—</p> <p>(a) if the decision to revoke is made on 31 December, on that day, or</p> <p>(b) if the decision to revoke is made on any other day, promptly and in any</p>	<p>Cymru yn bwriadu dirymu'r dynodiad adran [adran i'w mewnosod gan welliant 26], a</p> <p>(b) pennu pa bryd y mae Cymwysterau Cymru yn bwriadu penderfynu pa un ai i ddirymu'r dynodiad adran [adran i'w mewnosod gan welliant 26].</p> <p>(4) Wrth benderfynu pa un ai i ddirymu dynodiad adran [adran i'w mewnosod gan welliant 26], rhaid i Gymwysterau Cymru roi sylw i unrhyw sylwadau a gyflwynir gan y corff cydnabyddedig.</p> <p>(5) Os yw Cymwysterau Cymru yn penderfynu dirymu dynodiad adran [adran i'w mewnosod gan welliant 26], rhaid iddo roi hysbysiad i'r corff cydnabyddedig am y penderfyniad gan esbonio pa bryd y mae'r dirymiad i gymryd effaith.</p> <p>(6) Mae'r dirymiad i gymryd effaith ar 1 Medi sy'n dod yn y flwyddyn ar ôl i'r penderfyniad i ddirymu gael ei wneud ond dim ond mewn perthynas â dysgwyr sy'n dechrau cwrs addysg neu hyfforddiant ar neu ar ôl y dyddiad hwnnw y mae'r dirymiad yn gymwys.</p> <p>(7) Rhaid i'r hysbysiad o dan is-adran (5) gael ei roi—</p> <p>(a) os gwneir y penderfyniad i ddirymu ar 31 Rhagfyr, ar y diwrnod hwnnw, neu</p> <p>(b) os gwneir y penderfyniad i ddirymu ar unrhyw ddiwrnod arall, yn ddi-</p>	<p>the decision and when the revocation is to take effect;</p> <p>iii) the revocation will apply from 1 September in the year following the decision to revoke but only applies in respect of learners starting a course on or after that date; the notice of revocation to the recognised body must be made promptly but in any case by (or on) 31 December of the year in which it is made. This means that recognised bodies will have at least 8 months between knowing of the decision to revoke, and the revocation coming into effect at the beginning of the next academic year;</p> <p>iv) the notice of revocation must be published.</p>
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	<p>event on or before the 31 December following the decision.</p> <p>(8) Notice of a decision to revoke a section [section to be inserted by amendment 26] designation must be published by Qualifications Wales.’</p>	<p>oed a beth bynnag ar neu cyn y 31 Rhagfyr ar ôl y penderfyniad.</p> <p>(8) Rhaid i Gymwysterau Cymru gyhoeddi hysbysiad am benderfyniad i ddirymu dynodiad adran [adran i'w mewnosod gan welliant 26].’</p>	
30	<p>Section 29, page 14, line 24, leave out ‘the requirement in subsection (3)’ and insert ‘a requirement set out in subsection (3) or [second new subsection to be inserted by amendment 31]’.</p>	<p>Adran 29, tudalen 14, llinell 26, hepgorer ‘y gofyniad yn is-adran (3)’ a mewnosoder ‘gofyniad a nodir yn is-adran (3) neu [ail is-adran newydd i'w mewnosod gan welliant 31]’.</p>	<p>The purpose of this amendment is to allow ‘designated’ qualifications to be used on certain publicly funded courses in certain circumstances. This amendment is also related to amendments 26 and 31.</p> <p>The effect (with amendment 31) is that authorised bodies must not fund, and maintained schools must not provide, or have provided on their behalf, a course of education or training for under 19 year olds which leads to a qualification, unless the qualification has been approved under Part 4 or designated under the new Part (see amendment 26). Amendment 31 makes further provision about how the course is provided which affects whether it may be so funded.</p> <p>This means that only qualifications approved or designated by Qualifications Wales are eligible for use on publicly funded programmes of learning for learners under the age of 19, unless the course has been designated by the Welsh Ministers under section 29(6), in which case there is no restriction on the qualification to which the course may lead.</p>
31	<p>Section 29, page 14, line 33, leave out ‘the form of the</p>	<p>Adran 29, tudalen 14, llinell 35, hepgorer ‘bod y ffurf ar</p>	<p>There are three purposes to this amendment.</p>

	<p>qualification to which the course leads is a Welsh version of the qualification' and insert— '—</p> <p>(a) the form of qualification to which the course leads is awarded by a recognised body pursuant to the approval of that form of qualification under Part 4 for award in Wales, and</p> <p>(b) if the form of the qualification is subject to an award limitation condition, the provision of the course is not such that it leads to the award of the qualification to a person otherwise than in accordance with that condition.</p> <p>( ) In subsection (3)(b), an award limitation condition is a condition to which approval of the form of qualification under Part 4 is subject and which relates to the person or description of person to whom the qualification may be awarded.</p> <p>( ) The requirement is that—</p> <p>(a) the form of the qualification to which the course leads is awarded by a recognised body and is designated under section [section to be inserted by amendment 26], and</p> <p>(b) if Qualifications Wales has specified purposes under section [section to be inserted by amendment 27](6) for which the designation is to have effect, the provision of the course is</p>	<p>y cymhwyster y mae'r cwrs yn arwain ati yn fersiwn Gymreig o'r cymhwyster' a mewnosoder— '—</p> <p>(a) y caiff y ffurf ar gymhwyster y mae'r cwrs yn arwain ati ei dyfarnu gan gorff cydnabyddedig yn unol â chymeradwyaeth i'r ffurf honno ar y cymhwyster o dan Ran 4 at ddiben ei dyfarnu yng Nghymru, a</p> <p>(b) os yw'r ffurf ar y cymhwyster yn ddarostyngedig i amod sy'n cyfyngu ar ddyfarniad, na ddarperir y cwrs mewn ffordd sy'n arwain at ddyfarnu'r cymhwyster i berson ac eithrio yn unol â'r amod hwnnw.</p> <p>( ) Yn is-adran (3)(b), mae amod sy'n cyfyngu ar ddyfarniad yn amod y mae cymeradwyaeth i'r ffurf ar gymhwyster o dan Ran 4 yn ddarostyngedig iddo ac sy'n ymwneud â'r person neu'r disgrifiad o berson y caniateir i'r cymhwyster gael ei ddyfarnu iddo.</p> <p>( ) Y gofyniad yw—</p> <p>(a) y caiff y ffurf ar y cymhwyster y mae'r cwrs yn arwain ati ei dyfarnu gan gorff cydnabyddedig ac y caiff ei dynodi o dan adran [adran i'w mewnosod gan welliant 26], a</p> <p>(b) os yw Cymwysterau Cymru wedi pennu dibenion o dan adran [adran i'w mewnosod gan welliant 27](6) y mae'r dynodiad i gael effaith atynt, na ddarperir y cwrs mewn ffordd</p>	<p>The purpose of paragraph (a) is to remove the term “Welsh version of a qualification”. The amendment replaces that term with the phrase ‘awarded by a recognised body pursuant to the approval of that form of qualification under Part 4 for award in Wales’, though the effect is, in substance, the same. This is to avoid confusion about the meaning of the term ‘Welsh version’.</p> <p>Another purpose of the amendment is to allow designated qualifications (which amendment 26 provides for) to be provided on publicly funded courses for under 19 year olds, as well as qualifications which are approved. This is the effect of subsection (5)(a) of the amendment, together with amendment 30.</p> <p>The final purpose of the amendment is to prevent publicly funded courses for under 19 year olds being provided to learners in respect of whom Qualifications Wales has decided the qualification (to which the course leads) should not be offered.</p> <p>The effect of paragraph (b) of subsection (3) is that a publicly funded course leading to an approved qualification must be provided in accordance with any award limitation condition. The new subsection (4) explains that an award limitation condition is a condition of approval which relates to whom the qualification may be awarded. This is expected to be used where the content of the qualification would be inappropriate for learners below a certain age.</p> <p>Similarly, the effect of subsection (5)(b) of the</p>
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	not such that it leads to the award of the qualification otherwise than in accordance with those purposes.’.	sy'n arwain at ddyfarnu'r cymhwyster ac eithrio yn unol â'r dibenion hynny’.	amendment, together with amendment 27 is that if a designation of a qualification is for specific purposes, courses for under 19 year olds leading to it must be provided in accordance with those purposes. This might be where the content of the qualification is inappropriate for learners below a certain age or it might be where the designation is only made for specified purposes, for example for the purposes of learners re-sitting the qualification.
32	Section 29, page 15, line 22, leave out subsection (11).	Adran 29, tudalen 15, llinell 22, hepgorer is-adran (11).	This amendment is consequential on amendments 31, 33 and 34, whose purpose is to remove the term “Welsh version of a qualification”. This amendment removes the definition of that term, which amendments 31 and 33 to 35 remove from the Bill.
33	Section 30, page 15, line 33, leave out ‘Welsh version of a qualification (but this does not affect the application, if any, of those conditions in respect of or for the purposes of the award in Wales of a form of that qualification that is not a Welsh version of the qualification)’ and insert ‘form of qualification pursuant to its approval under Part 4 (but this does not affect the application, if any, of those conditions in respect of or for the purposes of the award in Wales of a form of qualification that is not an approved qualification, even if that form is designated under section [section to be inserted by amendment 26])’.	Adran 30, tudalen 15, llinell 33, hepgorer ‘fersiwn Gymreig o gymhwyster (ond nid yw hyn yn effeithio ar gymhwyso, os oes cymhwyso, yr amodau hynny mewn cysylltiad â dyfarnu, neu at ddibenion dyfarnu, yng Nghymru ffurf ar y cymhwyster hwnnw nad yw'n fersiwn Gymreig o'r cymhwyster)’ a mewnosoder ‘ffurf ar gymhwyster yn unol â chymeradwyaeth iddi o dan Ran 4 (ond nid yw hyn yn effeithio ar gymhwyso, os oes cymhwyso, yr amodau hynny mewn cysylltiad â dyfarnu, neu at ddibenion dyfarnu, yng Nghymru ffurf ar gymhwyster nad yw'n gymhwyster a gymeradwywyd, hyd yn oed os yw'r ffurf honno wedi ei dynodi o dan adran [adran i'w mewnosod gan welliant 26])’.	<p>The purpose of this amendment (like that of amendment 31) is to remove the term “Welsh version of a qualification”. It replaces that term with ‘form of qualification pursuant to its approval under Part 4’.</p> <p>In substance, the effect is the same: - conditions of recognition imposed by Ofqual on a body that it recognises will not apply, to the award in Wales of a form of qualification pursuant to its approval by Qualifications Wales.</p> <p>This amendment is linked to amendment 35. Although conditions of recognition imposed by Ofqual cannot apply in respect of approved qualifications, the words in brackets make clear that the position is not changed in relation to other qualifications which are not approved ones, so for example, those conditions may apply to</p>

			qualifications which are designated under amendment 26.
34	Section 30, page 16, line 3, leave out 'of a Welsh version of a qualification (as defined in section 29 of that Act)' and insert 'by an awarding body of a form of a qualification pursuant to its approval under Part 4 of that Act'.	Adran 30, tudalen 16, llinell 3, hepgorer 'of a Welsh version of a qualification (as defined in section 29 of that Act)' a mewnosoder 'by an awarding body of a form of a qualification pursuant to its approval under Part 4 of that Act'.	<p>This amendment is consequential on the removal of the term 'Welsh version of a qualification' under amendments 31 and 33. The purpose is to remove that term.</p> <p>The effect in substance is the same: - the Apprenticeships, Skills, Children and Learning Act 2009 will be amended to reflect provision made in the Bill at section 30 (i.e. that conditions of recognition imposed by Ofqual on a body recognised by it do not apply to the award in Wales of a form of a qualification pursuant to its approval by Qualifications Wales).</p>
35	Section 31, page 16, line 12, leave out 'does not apply in respect of, or for the purposes of, the award (whether in Wales or elsewhere) by an awarding body recognised under Part 3 of a form of a qualification that is not a Welsh version of a qualification' and insert 'applies only in respect of, or for the purposes of, the award in Wales by an awarding body of a form of a qualification in respect of the award of which the body is recognised under Part 3'.	Adran 31, tudalen 16, llinell 11, hepgorer 'yn gymwys mewn cysylltiad â dyfarnu, neu at ddibenion dyfarnu, (pa un ai yng Nghymru neu yn rhywle arall), gan gorff dyfarnu a gydnabyddir o dan Ran 3, ffurf ar gymhwyster nad yw'n fersiwn Gymreig o gymhwyster' a mewnosoder 'ond yn gymwys mewn cysylltiad â dyfarnu, neu at ddibenion dyfarnu, yng Nghymru gan gorff dyfarnu ffurf ar gymhwyster y cydnabyddir y corff o dan Ran 3 mewn cysylltiad â'i dyfarnu'.	<p>The purpose of this amendment is to remove the restriction in section 31 on Qualifications Wales which only allows it to regulate (through conditions of recognition on awarding bodies) in respect of qualifications that it has approved.</p> <p>The effect of the amendment is that Qualifications Wales will be able to regulate awarding bodies in relation to all qualifications (as defined in section 51) which those bodies award in Wales and in respect of which those bodies are recognised. Qualifications Wales will be able to regulate them through the conditions of recognition.</p> <p>Without the amendment Qualifications Wales would not be able to regulate qualifications awarded in Wales by a body recognised in respect of them if they were not approved by it under Part 4. This amendment would allow Qualifications Wales to regulate recognised</p>

			<p>bodies awarding those qualifications in addition to regulating their award of approved qualifications. However, unlike approved qualifications, Ofqual might also regulate the qualifications (awarded in Wales) under the Apprenticeships, Skills, Children and Learning Act 2009 since section 30 only excludes Ofqual's regulation in relation to qualifications awarded in Wales pursuant to Qualifications Wales's approval.</p> <p>For example, this enables Qualifications Wales to regulate in relation to 'designated' qualifications introduced by amendment 26. But it also enables the awarding body to be regulated in relation to qualifications that are neither designated nor approved – for example Qualifications Wales could handle complaints about awarding body malpractice where qualifications are neither approved nor designated under the Bill. Regulation would occur through the conditions of recognition applied by Qualifications Wales under Schedule 3 to the Bill.</p> <p>This amendment links with amendments to section 8 of the Bill introduced by amendments 20 and 23 which enable the awarding body to exclude qualifications from general recognition. As Qualifications Wales would (under this amendment) be able to regulate the awarding of all qualifications within a body's recognition, those amendments give the body the option of excluding qualifications from recognition and therefore regulation through conditions of recognition. Similarly, a body could surrender recognition of some, but not all, qualifications</p>
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			<p>under Schedule 3.</p> <p>Qualifications Wales is able to impose and enforce its conditions of recognition on an awarding body in respect of the award in Wales of any qualifications which are covered by that body's recognition.</p> <p>There are also effects on Qualifications Wales's functions in relation to recognition provided for elsewhere in the Bill. For example, under section 41, Qualifications Wales' would have the power to keep under review activities of a recognised body it considers are relevant to the body's recognition. This amendment would mean that those activities could include the awarding of non-approved qualifications in respect of which the body is recognised by Qualifications Wales.</p>
36	<p>Section 41, page 22, leave out lines 17 to 19 and insert—</p> <p>( ) the awarding of approved qualifications by a recognised body;</p> <p>( ) the awarding of forms of qualification designated under section [section to be inserted by amendment 26] by a recognised body;</p> <p>( ) any other activities of a recognised body which Qualifications Wales considers are relevant to the body's recognition;'</p>	<p>Adran 41, tudalen 22, hepgorer llinellau 19 hyd at 21 a mewnosoder—</p> <p>( ) dyfarnu cymwysterau a gymeradwywyd gan gorff cydnabyddedig;</p> <p>( ) dyfarnu ffurfiau ar gymhwyster sydd wedi eu dynodi o dan adran [adran i'w mewnosod gan welliant 26] gan gorff cydnabyddedig;</p> <p>( ) unrhyw weithgareddau eraill corff cydnabyddedig y mae Cymwysterau Cymru yn ystyried eu bod yn berthnasol i gydnabyddiaeth y corff;'</p>	<p>The purpose of this amendment is to include the awarding of 'designated' qualifications in the list of topics that Qualifications Wales may keep under review. The amendment is consistent with and consequential upon the creation of a category of designated qualifications, which may be provided on publicly funded courses for under 19 year olds (see amendments 26 , 30 and 31</p> <p>The effect is that Qualifications Wales may keep under review the awarding of qualifications designated under the new Part introduced by amendment 26.</p> <p>It also reflects amendment 35: paragraph (c) could cover the awarding of qualifications in Wales by a recognised body, and in respect of</p>

			which it is recognised, but which are neither approved nor designated by Qualifications Wales.
37	Section 42, page 22, after line 30, insert—  '() Part [ <i>new Part to be inserted by amendment 26</i> ] (designation of other qualifications);'.	Adran 42, tudalen 22, ar ôl llinell 32, mewnosoder—  '() Rhan [ <i>Rhan newydd i'w mewnosod gan welliant 26</i> ] (dynodi cymwysterau eraill);'.	The purpose of this amendment is to include the exercise of Qualifications Wales's new function of designating qualifications (under amendment 26) in the list of functions in respect of which Qualifications Wales must prepare a policy statement.  The effect is that Qualifications Wales must include the exercise of its functions in relation to the designation of qualifications in its policy statement, which must be published and kept under review.
38	Section 42, page 23, after line 2, insert—  '() matters likely to be taken into account by Qualifications Wales in deciding whether to designate a form of qualification under section [ <i>section to be inserted by amendment 26</i> ], in determining the period for which such a designation is to have effect and in deciding whether to revoke such a designation;'.	Adran 42, tudalen 23, ar ôl llinell 2, mewnosoder—  '() y materion sy'n debygol o gael eu hystyried gan Gymwysterau Cymru wrth benderfynu pa un ai i ddynodi ffurf ar gymhwyster o dan adran [ <i>adran i'w mewnosod gan welliant 26</i> ], wrth benderfynu ar y cyfnod y mae dynodiad o'r fath i gael effaith ar ei gyfer ac wrth benderfynu pa un ai i ddirymu dynodiad o'r fath;'.	The purpose of this amendment is to require Qualifications Wales to provide specific information in its policy statement about the matters it is likely to take into account when making decisions about designated qualifications, it is connected to amendments 26 - 29 and 37.  The effect is that Qualifications Wales's published policy statement must contain information about the matters it will be likely to take into account when deciding:  i) whether to designate a form of a qualification;  ii) the time period for the designation to have effect; and  iii) whether to revoke a designation.
39	Section 43, page 23, leave out lines 34 to 36 and insert—  '() the awarding of approved	Adran 43, tudalen 23, hepgorer llinellau 35 hyd at 37 a mewnosoder—  '() â dyfarnu cymwysterau a	The purpose of this amendment is to include complaints about the awarding of designated qualifications within the list of types of complaint that Qualifications Wales must have

	<p>qualifications by a recognised body;</p> <p>( ) the awarding of forms of qualification designated under section [<i>section to be inserted by amendment 26</i>] by a recognised body;</p> <p>( ) any other activities of a recognised body which Qualifications Wales considers are relevant to the body's recognition.'</p>	<p>gymeradwywyd gan gorff cydnabyddedig;</p> <p>( ) â dyfarnu ffurfiau ar gymhwyster sydd wedi eu dynodi o dan adran [<i>adran i'w mewnosod gan welliant 26</i>] gan gorff cydnabyddedig;</p> <p>( ) ag unrhyw weithgareddau eraill corff cydnabyddedig y mae Cymwysterau Cymru yn ystyried eu bod yn berthnasol i gydnabyddiaeth y corff.'</p>	<p>arrangements in place for dealing with. This amendment is connected to amendment 26 giving the power to Qualifications Wales to designate forms of qualification.</p> <p>The effect is that Qualifications Wales must make arrangements for dealing with complaints about the awarding of designated qualifications and must publish those arrangements. Those arrangements could include referral of a complaint to an independent person.</p>
40	<p>Section 44, page 24, after line 13, insert—</p> <p>( ) the exercise of its functions under Part [<i>new Part to be inserted by amendment 26</i>] (designation of other qualifications).'</p>	<p>Adran 44, tudalen 24, ar ôl llinell 12, mewnosoder—</p> <p>( ) ag arfer ei swyddogaethau o dan Ran [<i>Rhan newydd i'w mewnosod gan welliant 26</i>] (dynodi cymwysterau eraill).'</p>	<p>The purpose of this amendment is to include the functions related to designating qualifications in the list of matters for which Qualifications Wales may charge fees.</p> <p>The effect is that Qualifications Wales may charge fees to be paid by an awarding body in respect of costs incurred by Qualifications Wales in exercising its designation functions, provided any such fees are charged in accordance with a scheme which has been approved by the Welsh Ministers.</p>
41	<p>Schedule 3, page 39, line 22, after 'qualification', insert '(including by reference to whether or not a qualification is an approved qualification or a qualification designated under section [<i>section to be inserted by amendment 26</i>]')'.</p>	<p>Atodlen 3, tudalen 39, llinell 23, ar ôl 'gymhwyster', mewnosoder '(gan gynnwys drwy gyfeirio at ba un a yw cymhwyster yn gymhwyster a gymeradwywyd neu'n gymhwyster sydd wedi ei ddynodi o dan adran [<i>adran i'w mewnosod gan welliant 26</i>] ai peidio).'</p>	<p>Qualifications Wales has the power to set different standard conditions for different purposes. The purpose of this amendment is to make it express that standard conditions may be set by reference to whether or not a qualification is an approved one or is designated.</p> <p>The effect is that it is clear that Qualifications Wales's ability to set standard conditions by reference to 'different qualifications or</p>

			descriptions of qualification' includes, for example, conditions applicable only in respect of qualifications that are approved under Part 4 of the Bill and/or qualifications that are designated under the new Part introduced by amendment 26. For example, Qualifications Wales may develop some conditions of recognition that apply specifically to awarding bodies in awarding designated qualifications.
42	Schedule 3, page 40, after line 20, insert—  '() different qualifications or descriptions of qualification (including by reference to whether or not a qualification is an approved qualification or a qualification designated under section [section to be inserted by amendment 26]);'.	Atodlen 3, tudalen 40, ar ôl llinell 20, mewnosoder—  '() cymwysterau gwahanol neu ddisgrifiadau gwahanol o gymhwyster (gan gynnwys drwy gyfeirio at ba un a yw cymhwyster yn gymhwyster a gymeradwywyd neu'n gymhwyster sydd wedi ei ddynodi o dan adran [adran i'w mewnosod gan welliant 26] ai peidio);'.	The purpose of this amendment is to make clear that special conditions of recognition, like standard conditions of recognition under paragraph 2 of schedule 3, can be by reference to different qualifications or description of qualification.  The effect of this amendment is that special conditions of recognition may make (amongst other things) provision by reference to different qualifications, or description of qualification, including by reference to whether or not a qualification is an approved or a designated one.
43	Schedule 3, page 40, after line 33, insert—  '() the award by the body to a person of a form of a qualification that is designated under section [section to be inserted by amendment 26], or'.	Atodlen 3, tudalen 40, ar ôl llinell 33, mewnosoder—  '() dyfarnu gan y corff i berson ffurf ar gymhwyster sydd wedi ei dynodi o dan adran [adran i'w mewnosod gan welliant 26], neu'.	The purpose of this amendment is to include the award of designated qualifications as one of the matters to which Qualifications Wales may apply a fee capping condition on a recognised body.  The effect is that Qualifications Wales may apply a fee capping condition on the recognised body in respect of the award to a person of qualifications designated under the new Part introduced by amendment 26. A fee capping condition limits the amount charged by the recognised body where the course leading to the qualification which the person is taking is publicly funded (as defined in

			paragraph 6(2)) Qualifications Wales may only apply a fee capping condition if it is satisfied that it is appropriate to do so to secure value for money.
44	Schedule 3, page 40, line 35, after 'qualification', insert 'or of a form of qualification designated under section [section to be inserted by amendment 26], as the case may be'.	Atodlen 3, tudalen 40, llinell 35, ar ôl 'gymeradwywyd', mewnosoder 'neu ffurf ar gymhwyster sydd wedi ei dynodi o dan adran [adran i'w mewnosod gan welliant 26], yn ôl y digwydd'.	<p>The purpose of this amendment is to include services or facilities provided by a recognised body in relation to the award to a person of designated qualifications as one of the matters to which Qualifications Wales may apply a fee capping condition on a recognised body.</p> <p>The effect is that Qualifications Wales may apply a fee capping condition on a recognised body in respect of services or facilities provided by it in relation to the award to a person of qualifications designated under the new Part introduced by amendment 26. Such a fee capping condition may only apply where the course undertaken by the person is publicly funded (as defined in paragraph 6(2)). Qualifications Wales may only apply a fee capping condition if it is satisfied that it is appropriate to do so to secure value for money.</p>
45	<p>Schedule 3, page 42, line 25, leave out 'approved by Qualifications Wales and which is or has been awarded by the body may be awarded by another awarding body' and insert—</p> <p>'which is or has been awarded by the body may be awarded by another awarding body where—</p> <p>(a) the form of qualification has been approved by Qualifications Wales, or</p> <p>(b) the form of qualification has been designated by Qualifications Wales</p>	<p>Atodlen 3, tudalen 42, llinell 26, hepgorer 'sydd wedi ei chymeradwyo gan Gymwysterau Cymru, ac sy'n cael ei dyfarnu neu sydd wedi ei dyfarnu gan y corff, gael ei dyfarnu gan gorff dyfarnu arall' a mewnosoder—</p> <p>'sy'n cael ei dyfarnu neu sydd wedi ei dyfarnu gan y corff gael ei dyfarnu gan gorff dyfarnu arall—</p> <p>(a) pan fo'r ffurf ar gymhwyster wedi ei chymeradwyo gan Gymwysterau Cymru, neu</p> <p>(b) pan fo'r ffurf ar gymhwyster wedi ei dynodi gan Gymwysterau Cymru o</p>	<p>The purpose of this amendment is to enable Qualifications Wales to apply a transfer condition to a body's recognition in respect of the award of designated qualifications (for which see amendment 26).</p> <p>The effect is that Qualifications Wales may impose a transfer condition in respect of a qualification that has been designated and may take action on it in accordance with the requirements of paragraphs 12 to 16 of Schedule 3. The Bill makes these provisions for</p>

	under section [section to be inserted by amendment 26]’.	dan adran [adran i’w mewnosod gan welliant 26]’.	qualifications which have been approved by Qualifications Wales and the amendment would extend these provisions to designated qualifications.
46	<p>Schedule 3, page 44, line 4, leave out ‘to Qualifications Wales that it wishes to cease to be recognised in respect of the award of a qualification or description of qualification (a “surrender notice”)’ and insert—</p> <p>‘(a “surrender notice”) to Qualifications Wales that it wishes to cease to be recognised in respect of—</p> <p>(a) the award of a specified qualification or description of qualification, or</p> <p>(b) every qualification in respect of which it is recognised’.</p>	<p>Atodlen 3, tudalen 44, llinell 5, hepgorer ‘i Gymwysterau Cymru ei fod yn dymuno peidio â chael ei gydnabod mewn cysylltiad â dyfarnu cymhwyster neu ddisgrifiad o gymhwyster (“hysbysiad ildio”)’ a mewnosoder—</p> <p>‘(“hysbysiad idlio”) i Gymwysterau Cymru ei fod yn dymuno peidio â chael ei gydnabod mewn cysylltiad—</p> <p>(a) â dyfarnu cymhwyster penodedig neu ddisgrifiad penodedig o gymhwyster, neu</p> <p>(b) â phob cymhwyster y’i cydnabyddir mewn cysylltiad ag ef’.</p>	<p>The purpose of this amendment is to clarify that awarding bodies may surrender their recognition by Qualifications Wales in respect of <i>all</i> qualifications in respect of which they are recognised (rather than solely in respect of named qualifications or named descriptions of qualifications).</p> <p>The effect is that an awarding body may give notice to Qualifications Wales that it wishes to surrender its recognition in relation to every form of qualification in respect of which it has been recognised, or just in relation to specified qualifications or descriptions of qualification.</p>
47	Schedule 3, page 44, line 17, after ‘Recognition’, insert ‘in the respect concerned’.	Atodlen 3, tudalen 44, llinell 18, ar ôl ‘cydnabyddiaeth’, mewnosoder ‘yn y cyswllt o dan sylw’.	<p>The purpose of this amendment is to clarify that, if an awarding body surrenders its recognition in respect only of certain qualifications or descriptions of qualifications, it retains its recognition for the remaining qualifications for which it is recognised. This amendment is connected to amendment 46</p> <p>The effect is to clarify that, when Qualifications Wales gives the recognised body an acknowledgement of surrender for specified qualifications or descriptions of qualifications, the awarding body’s recognition ceases only in respect of the specified qualifications or description of qualifications. The drafting is consistent with other provisions of paragraph 17 which make it clear that recognition may cease in</p>

			the respect concerned.
48	Schedule 4, page 48, line 5, leave out 'Section 408 of'.	Atodlen 4, tudalen 48, llinell 5, hepgorer 'adran 408 o Ddeddf' a mewnosoder 'Deddf'.	<p>The purpose of this amendment is to accommodate amendment 50 by removing the introductory reference to Section 408 of the Education Act 1996.</p> <p>The Education Act 1996 is referred to in this introductory sub paragraph, rather than just section 408. On its own, the amendment has no effect in substance, but it facilitates amendment 50, which amends Schedule 36A to the Education Act 1996.</p>
49	Schedule 4, page 48, at the beginning of line 6, insert 'In section 408—'.	Atodlen 4, tudalen 48, ar ddechrau llinell 6, mewnosoder 'Yn adran 408—'.	The purpose of this amendment is to accommodate amendment 50. This amendment has no effect in substance, since the text has simply been reformatted into subparagraphs.
50	<p>Schedule 4, page 48, after line 12, insert—</p> <p>(4) In Schedule 36A, in the table in paragraph 2, in the entry for sections 96, 101 and 102 of the Learning and Skills Act 2000—</p> <p>(a) in the first column, omit "and 102";</p> <p>(b) in the second column, after "qualifications" insert "(in England)".</p>	<p>Atodlen 4, tudalen 48, ar ôl llinell 12, mewnosoder—</p> <p>(4) Yn Atodlen 36A, yn y tabl ym mharagraff 2, yn y cofnod ar gyfer adrannau 96, 101 a 102 o Ddeddf Dysgu a Sgiliau 2000—</p> <p>(a) yn y golofn gyntaf, hepgorer "and 102";</p> <p>(b) yn yr ail golofn, ar ôl "qualifications" mewnosoder "(in England)".</p>	<p>This amendment is as a result of amendment 51. The purpose of this amendment is to amend references to provisions in the Learning and Skills Act 2000 in Schedule 36A to the Education Act 1996 to reflect the amendments to the Learning and Skills Act 2000 made by amendment 51.</p> <p>The effect of this amendment, with amendment 51, is that only duties of local authorities in England as "authorised bodies" under section 96 and 101 are education functions under paragraph 2 of Schedule 36A to the 1996 Act. Local authorities in Wales will be under similar duties by virtue of section 29 of the Bill, but it is not necessary to insert a reference to those duties into Schedule 36A because they will be education functions by virtue of being contained in an Education Act (see section 56 of the Bill and section 579(1) of, and paragraph 1 of Schedule</p>

			36A to, the Education Act 1996: functions conferred on a local authority under the Education Acts as defined in section 578 are education functions).
51	<p>Schedule 4, page 48, line 29, leave out—</p> <p>‘(2) In section 96(5)(b) for “has the same meaning as in section 30 of the Education Act 1997” substitute “has the meaning given to “qualification” in section 51 of the Qualifications Wales Act 2015”.</p> <p>(3) In section 99—</p> <p>(a) for subsection (2)(za) substitute—</p> <p>“(za) the form of qualification to which the course of education or training in question leads is then approved by Qualifications Wales under Part 4 of the Qualifications Wales Act 2015.”;</p> <p>(b) omit subsection (2ZA).’</p> <p>and insert—</p> <p>‘() In section 96—</p> <p>(a) in subsection (2)—</p> <p>(i) in the opening words, omit “or 99”;</p> <p>(ii) in paragraph (b), after “maintained school” insert “in England”;</p>	<p>Atodlen 4, tudalen 48, llinell 29, hepgorer—</p> <p>‘(2) Yn adran 96(5)(b) yn lle “has the same meaning as in section 30 of the Education Act 1997” rhodder “has the meaning given to “qualification” in section 51 of the Qualifications Wales Act 2015”.</p> <p>(3) Yn adran 99—</p> <p>(a) yn lle is-adran (2)(za) rhodder—</p> <p>“(za) the form of qualification to which the course of education or training in question leads is then approved by Qualifications Wales under Part 4 of the Qualifications Wales Act 2015.”;</p> <p>(b) hepgorer is-adran (2ZA).’</p> <p>a mewnosoder—</p> <p>‘() Yn adran 96—</p> <p>(a) yn is-adran (2)—</p> <p>(i) yn y geiriau agoriadol, hepgorer “or 99”;</p> <p>(ii) ym mharagraff (b), ar ôl “maintained school” mewnosoder “in England”;</p>	<p>The purpose of the amendment is</p> <p>a) to omit the amendments made by sub-paragraphs (2) and (3) of paragraph 3 of Schedule 4 to the Bill; those sub-paragraphs amended sections 96 and 99 of the Learning and Skills Act 2000 (on approval of qualifications for provision on courses leading to qualifications for under 19 year olds which are funded by an authorised body or provided by or on behalf of a maintained school) so that references to the system under which the Welsh Ministers are the regulator, are replaced with corresponding references to the system established by this Bill; and</p> <p>b) the amendment removes the application of section 96 in relation to Wales.</p> <p>The overall effect of this amendment is that the application of sections 96-102 of the Learning and Skills Act 2000 is confined to England: the restriction in section 96 does not apply to Welsh Ministers and local authorities in Wales funding courses, nor to maintained schools in Wales providing courses and the related provisions in sections 98 to 101 are also confined to England. As a result the amendments made by paragraph 3(2) and (3) are not necessary.</p> <p>Instead, the restriction on funding by the Welsh</p>

	<p>(b) for subsection (5) substitute—</p> <p style="padding-left: 40px;">“(5) In this section “a relevant qualification” means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies.”</p> <p>(c) in subsection (9), for “102 “local authority” has the same meaning as” substitute “101 “local authority” has the same meaning as “local authority in England””.</p> <p>( ) In the cross-heading immediately preceding section 96, at the end insert “: England”.</p> <p>( ) In section 98 (the title of which becomes “Approved qualifications”), in subsection (1) omit the words from “in its” to the end.</p> <p>( ) Omit section 99.</p> <p>( ) In section 100—</p> <p style="padding-left: 40px;">(a) in the opening words of subsection (1), omit “in its application to England”;</p> <p style="padding-left: 40px;">(b) omit subsection (2).</p> <p>( ) In section 101 (the title of which becomes “Enforcement”), in subsection (1) omit “in its application to England”.</p> <p>( ) Omit section 102.’.</p>	<p>(b) yn lle is-adran (5) rhodder—</p> <p style="padding-left: 40px;">“(5) In this section “a relevant qualification” means a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009 applies.”</p> <p>(c) yn is-adran (9), yn lle “102 “local authority” has the same meaning as” rhodder “101 “local authority” has the same meaning as “local authority in England””.</p> <p>( ) Yn y croesbennawd yn union cyn adran 96, ar y diwedd mewnosoder “: England”.</p> <p>( ) Yn adran 98 (y daw ei henw’n “Approved qualifications”), yn is-adran (1) hepgorer y geiriau o “in its” i’r diwedd.</p> <p>( ) Hepgorer adran 99.</p> <p>( ) Yn adran 100—</p> <p style="padding-left: 40px;">(a) yng ngeiriau agoriadol is-adran (1), hepgorer “in its application to England”;</p> <p style="padding-left: 40px;">(b) hepgorer is-adran (2).</p> <p>( ) Yn adran 101 (y daw ei henw’n “Enforcement”), yn is-adran (1) hepgorer “in its application to England”.</p> <p>( ) Hepgorer adran 102.’.</p>	<p>Ministers or local authorities in Wales, or on the provision by maintained schools in Wales, of courses leading to qualifications is provided under section 29 of the Bill.</p>
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52	<p>Schedule 4, page 49, after line 4, insert—</p> <p><i>'National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3238)</i></p> <p>[ ] Omit paragraph 72 of Schedule 1 to the National Council for Education and Training for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005.'</p>	<p>Atodlen 4, tudalen 49, ar ôl llinell 4, mewnosoder—</p> <p><i>'Gorchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005 (O.S. 2005/3238)</i></p> <p>[ ] Hepgorer paragraff 72 o Atodlen 1 i Orchymyn Cyngor Cenedlaethol Cymru dros Addysg a Hyfforddiant (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Cyngor) 2005.'</p>	<p>The purpose of this amendment is to repeal the provision of S.I. 2005/3238 referred to. It relates to amendment 51.</p> <p>There is no effect of substance as the provision repealed by this amendment amends section 100(2) of the Learning and Skills Act 2000, which would be repealed by amendment 51.</p>
53	<p>Schedule 4, page 49, after line 4, insert—</p> <p><i>'Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005 (S.I. 2005/3239)</i></p> <p>[ ] Omit paragraphs 14, 15, 18(c), (d) and (e) and 30 of Schedule 1 to the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005.'</p>	<p>Atodlen 4, tudalen 49, ar ôl llinell 4, mewnosoder—</p> <p><i>'Gorchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Awdurdod) 2005 (O.S. 2005/3239)</i></p> <p>[ ] Hepgorer paragraffau 14, 15, 18(c), (ch) a (d) a 30 o Atodlen 1 i Orchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Awdurdod) 2005.'</p>	<p>The purpose of this amendment is to repeal the provisions of S.I. 2005/3239 referred to. In part, it relates to amendment 51.</p> <p>There is no effect of substance as:</p> <p>(a) paragraphs 14, 15, 18(c), (d) and (e) referred to amend sections 30 and 32(3) and (4)(b) of the Education Act 1997, which paragraph 2(3) of Schedule 4 to the Bill repeals.</p> <p>(b) The paragraph 30 referred to amends section 99 of the Learning and Skills Act 2000, which amendment 51 would repeal.</p>
54	<p>Schedule 4, page 49, line 6, leave out 'section' and insert 'sections 160(1) and (3) and'.</p>	<p>Atodlen 4, tudalen 49, llinell 6, hepgorer 'adran' a mewnosoder 'adrannau 160(1) a (3) a'.</p>	<p>The purpose of this amendment is to repeal section 160(1) and (3) of the Education and Skills Act 2008. It relates to amendment 51.</p> <p>There is no effect of substance, as section 160 amends section 99 of the Learning and Skills Act 2000, which amendment 51 would repeal.</p>

55	<p>Schedule 4, page 49, line 8, leave out paragraph 6 and insert—</p> <p>(1) The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.</p> <p>(2) Omit paragraphs 45 and 48 of Schedule 6.</p> <p>(3) Omit paragraphs 15, 16(3), 17 to 19 and 29 of Schedule 12.’.</p>	<p>Atodlen 4, tudalen 49, llinell 8, hepgorer paragraff 6 a mewnosoder—</p> <p>(1) Mae Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 wedi ei diwygio fel a ganlyn.</p> <p>(2) Hefgorer paragraffau 45 ac 48 o Atodlen 6.</p> <p>(3) Hefgorer paragraffau 15, 16(3), 17 i 19 a 29 o Atodlen 12.’.</p>	<p>This purpose of this amendment is to repeal paragraphs 45 and 48 of Schedule 6, and paragraph 29 of Schedule 12, to the Apprenticeship, Skills, Children and Learning Act 2009. It relates to amendment 51.</p> <p>The repeal of the other provisions listed in this amendment is already provided for in paragraph 6 of Schedule 4.</p> <p>There is no effect of substance, as the additional paragraphs which would be repealed by this amendment amend sections 99 and 102 of the Learning and Skills Act 2000, which amendment 51 would repeal.</p>
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