

QUALIFICATIONS WALES BILL – STAGE 2 GOVERNMENT AMENDMENTS

This table provides information about the amendments tabled in the name of Huw Lewis AM on 25 March 2015; further amendments for consideration at Stage 2 will be tabled by the Minister for Education and Skills in due course.

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
	<i>English text of amendment</i>	<i>Welsh text of amendment</i>	<u>Guidance</u>
1.	Section 22, page 11, line 9, after ‘which’, insert ‘, or the persons or descriptions of persons to whom,’.	Adran 22, tudalen 11, llinell 9, ar ôl ‘ddyfarnu ‘, mewnosoder ‘, neu at y personau neu’r disgrifiadau o bersonau y dyfernir cymhwyster iddynt’.	<p>The purpose is to make it explicit that conditions of approval, placed by Qualifications Wales on a qualification, may relate to specific people, or specific descriptions of people (for example ‘candidates under the age of 19’).</p> <p>The effect is that Qualifications Wales may impose conditions of approval that relate to specific people, or descriptions of people. Depending on what Qualification Wales decides, such a condition could, for example, prevent the body from awarding a qualification to learners below a certain age. An illustration of this would be that a qualification in chainsaw operation must not be awarded to learners under the age of 18.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
2.	<p>Section 27, page 13, line 29, leave out subsections (7) and (8) and insert –</p> <p>‘(7) Where notice under subsection (6) is given, the date specified in the notice as the withdrawal date is to be treated, as from the date on which the notice is given, as being the withdrawal date for the purposes of any further notice under that subsection.’.</p>	<p>Adran 27, tudalen 13, llinell 31, hepgorer is-adrannau (7) hyd at (8) a mewnosoder –</p> <p>‘(7) Pan roddir hysbysiad o dan is-adran (6), mae'r dyddiad a bennir yn yr hysbysiad fel y dyddiad tynnu'n ôl i gael ei drin, o'r dyddiad y rhoddir yr hysbysiad, fel y dyddiad tynnu'n ôl at ddibenion unrhyw hysbysiad pellach o dan yr is-adran honno.’.</p>	<p>The purpose of this amendment is to clarify subsections (7) and (8) by addressing the matter in one new subsection.</p> <p>Qualification Wales has the power in subsection (6) to vary the date that it withdraws approval from an awarding body, and if it does vary the date, it may inform the awarding body of the variation by way of a notice. The varied date then becomes the withdrawal date for the purposes of any future steps.</p> <p>The effect of the new subsection is that a clearer distinction is made between the date of the notice to the awarding body informing it of the new withdrawal date and the new withdrawal date specified in the notice.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
3.	Section 29, page 15, line 1, leave out 'a course of education or training provided' and insert 'the provision of a course of education or training'.	Adran 29, tudalen 15, llinell 1, hepgorer 'chwrs addysg neu hyfforddiant a ddarperir' a mewnosoder 'darparu cwrs addysg neu hyfforddiant'.	<p>The purpose of this amendment is to provide that the restriction on public funding set out in section 29 does not apply to the provision of a course of education or training to a person with learning difficulties.</p> <p>As currently drafted, the provision could be read broadly so as to exclude the whole course of education or training from the section 29 requirement on the basis that a person with learning difficulties is taking the course. The effect of the amendment is that it narrows the provision by only excluding the requirement in section 29(3) in respect of the provision of the course to persons with learning difficulties, so that funding may be provided in respect of those learners even though the course which they are attending has not been approved by Qualifications Wales.</p>
4.	Section 39, page 21, line 6, leave out 'a constable' and insert 'any constable accompanying the authorised person in accordance with the order'.	Adran 39, tudalen 21, llinell 7, hepgorer 'a chwnstabl' a mewnosoder 'ac unrhyw gwnstabl sy'n mynd gyda'r person awdurdodedig yn unol â'r gorchymyn'.	<p>The purpose is to clarify that it is not compulsory for an order to state that a constable is to accompany an authorised person.</p> <p>The amendment ties in with the provision in subsection (8) as currently drafted which refers to the discretion to provide in the order for a constable to accompany an authorised person. The effect of this amendment, and amendment 5, is that where a justice of the peace has made an order about entering and inspecting an awarding body's premises, a constable is permitted or required to accompany the authorised person, dependent on the terms of the order.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
5.	Section 39, page 21, line 28, leave out 'make provision for' and insert 'permit or require'.	Adran 39, tudalen 21, llinell 31, hepgorer 'gwneud darpariaeth' a mewnosoder 'caniatáu neu ei gwneud yn ofynnol'.	<p>This amendment is linked to amendment 4 and its purpose is to clarify what the justice of the peace may provide in an order.</p> <p>The effect remains that in making an order, the justice of the peace has the discretion to permit or require a constable to accompany an authorised person to enter and inspect an awarding body's premises.</p>
6.	Section 44, page 24, line 9, leave out 'must prepare a scheme setting out the fees (if any) that are payable'" and insert 'may charge fees to be paid'.	Adran 44, tudalen 24, llinell 8, hepgorer 'Rhaid i Gymwysterau Cymru lunio cynllun sy'n nodi'r ffioedd (os oes rhai) sy'n daladwy' a mewnosoder 'Caiff Cymwysterau Cymru godi ffioedd sydd i'w talu'.	<p>The purpose is to clarify that having a charging scheme is only mandatory where Qualifications Wales charges fees and to remove any potential ambiguity.</p> <p>The effect (with amendment 7) is that it is clear that a charging scheme must only be in place if Qualifications Wales charges fees. If Qualifications Wales does not charge fees for the matters listed in section 44 (1), then it is not required to have a charging scheme.</p>
7.	Section 44, page 24, line 19 leave out 'the scheme' and insert 'a scheme prepared by Qualifications Wales that sets out the fees payable in respect of those matters'.	Adran 44, tudalen 24, llinell 17, hepgorer 'â'r cynllun' a mewnosoder 'â chynllun a luniwyd gan Gymwysterau Cymru sy'n nodi'r ffioedd sy'n daladwy mewn cysylltiad â'r materion hynny'.	<p>This amendment is linked to amendment 6 in that its purpose is to clarify that a charging scheme is only mandatory if Qualifications Wales charges fees.</p> <p>The effect is that it is clear that a scheme is only necessary if Qualifications Wales wishes to charge fees and the effect remains that Qualifications Wales can only charge fees in accordance with that charging scheme (which must have been approved by the Welsh Ministers).</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
8.	Section 49, page 25, after line 12, insert – '(d) section 41(1)(a) and (b) (review of recognised bodies and of approved qualifications);'.	Adran 49, tudalen 25, ar ôl llinell 12, mewnosoder – '(d) adran 41(1)(a) a (b) (adolygu cyrff cydnabyddedig a chymwysterau a gymeradwywyd);'.	<p>The purpose is to add to the list of functions in section 49(1) so that Qualifications Wales must have regard to the regulatory principles in section 49(2) when exercising those additional functions.</p> <p>The effect is that Qualifications Wales must have regard to the regulatory principles when undertaking reviews of the activities of recognised awarding bodies which are relevant to their recognition, and the awarding of approved qualifications by a recognised awarding body.</p>
9.	Section 55, page 28, after line 28, insert - “(b) section 2(3);”.	Adran 55, tudalen 28, ar ôl llinell 32, mewnosoder - “(b) adran 2(3);”.	<p>The purpose of the amendment is to add section 2(3) to the list of provisions coming into force when the Bill receives Royal Assent.</p> <p>The effect of the change is to bring the section introducing Schedule 2 of the Bill (dealing with transfer schemes) into force on Royal Assent. This change is linked to amendment 10 which deals with commencement of Schedule 2, which is the substantive provision enabling the Welsh Ministers to make a transfer scheme.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
10.	Section 55, page 28, after line 32, insert - '(f) Schedule 2.'	Adran 55, tudalen 28, ar ôl llinell 36, mewnosoder - '(f) Atodlen 2.'	<p>The purpose of the amendment is to add Schedule 2 to the list of provisions coming into force when the Bill receives Royal Assent, and is linked to the provision made in amendment 9.</p> <p>Schedule 2 provides for the Welsh Ministers to make transfer schemes which transfer property and staff to Qualifications Wales. The effect of adding this provision to the list of matters which come into force on Royal Assent enables the Welsh Ministers to exercise the power in advance of establishing the new body, so that certain staff, and property, amongst other things can become those of Qualifications Wales from the day of establishment. Such flexibility enables the transfer scheme to potentially be made some time before Qualifications Wales is established.</p>
11.	Schedule 3, page 39, line 11, leave out '(whether by reason of surrender or withdrawal, or otherwise)'.	Atodlen 3, tudalen 39, llinell 11, hepgorer '(pa un ai oherwydd ildio neu dynnu'n ôl, neu fel arall)'.	<p>The purpose of the amendment is to remove the words in brackets which are not necessary.</p> <p>The only way an awarding body can cease to be recognised is by withdrawal or surrender. The effect of the amendment is to remove the words in brackets which are not necessary and which may suggest that there are other means of a body's recognition ceasing.</p>

No.	GOVERNMENT AMENDMENT	GWELLIANT Y LLYWODRAETH	PURPOSE AND EFFECT
12.	<p>Schedule 4, page 49, after line 4, insert –</p> <p><i>'Government of Wales Act 2006 (c.32)</i></p> <p>5 In section 148 of the Government of Wales Act 2006, after subsection (2)(l) insert -</p> <p>“(la) Qualifications Wales,”.</p>	<p>Atodlen 4, tudalen 49, ar ôl llinell 4, mewnosoder –</p> <p><i>'Deddf Llywodraeth Cymru 2006 (p.32)</i></p> <p>5 Yn adran 148 o Ddeddf Llywodraeth Cymru 2006, ar ôl is-adran (2)(l) mewnosoder—</p> <p>“(la) Qualifications Wales,”.</p>	<p>The purpose of this amendment is to include Qualifications Wales amongst the bodies whose records are Welsh public records.</p> <p>The effect of such an amendment is that the records of Qualifications Wales are Welsh public records for the purposes of section 148 of the Government of Wales Act 2006.</p>