

The Qualifications Wales Transfer (No.1) Scheme 2015

Made 16:55 pm on 5 August 2015

*Laid before the National Assembly
for Wales* 5 August 2015

Coming into force 6 August 2015

The Welsh Ministers, in exercise of the powers conferred by section 2(3) of and Schedule 2 to the Qualifications Wales Act 2015⁽¹⁾, make the following transfer scheme.

Title and commencement

1.—(1) The title of this Scheme is the Qualifications Wales Transfer (No.1) Scheme 2015.

(2) It comes into force on 6 August 2015.

Interpretation

2. In this Scheme—

“collective agreement” (“*cydgytundeb*”) and “collective bargaining” (“*cydfargeinio*”) have the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992;

“member of staff” (“*aelod o staff*”) means the member of staff transferring under article 3 of this Scheme;

“records” (“*cofnodion*”) include written records and records conveying information by any other means.

Transfer of member of staff of the Welsh Government and continuity of employment

3. On 6 August 2015, P.A. Blaker becomes a member of staff of Qualifications Wales and the Welsh Ministers’ rights, powers, duties and liabilities under or in connection with that member of staff’s contract of employment are transferred to Qualifications Wales, but see article 4.

4. Article 3 does not

(a) transfer or otherwise affect the liability of any person to be prosecuted for, convicted of and sentenced for any offence; or

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- (b) transfer any rights, powers, duties or liabilities in relation to any provision of a collective agreement if that provision is agreed on or after 6 August 2015 and Qualifications Wales was not a participant in the collective bargaining for the provision.

5. The period of continuous employment of the member of staff is not broken by the transfer to the employment of Qualifications Wales.

6. The contract has effect after the transfer as if originally made between the member of staff and Qualifications Wales except that it has effect as if it does not incorporate provisions of a collective agreement described in article 4(b).

7. Anything done or omitted to be done by the Welsh Ministers before 6 August 2015 in relation to the contract of employment of the member of staff is treated on or after 6 August 2015 to have been done or omitted to be done by Qualifications Wales.

Documents and records: transfer and access

8. Documents relating exclusively to the employment of the member of staff transferring under this Scheme are transferred to Qualifications Wales on 6 August 2015.

9. The Welsh Ministers may keep copies of the documents transferring under article 8.

10. References to—

- (a) the Welsh Ministers;
- (b) the First Minister;
- (c) the Welsh Government;
- (d) the Welsh Assembly Government;
- (e) the National Assembly for Wales,
- (f) the National Assembly and
- (g) the Assembly

are substituted for Qualifications Wales in any agreements, contracts or legal proceedings which relate to the member of staff transferred by this Scheme unless the contrary intention applies.

11. Where records and documents have transferred to Qualifications Wales under article 8, the Welsh Ministers may, after providing reasonable notice, take or be supplied with copies of those records or documents, or any part of them.

12. Where the Welsh Ministers hold records which relate to or are connected with the member of staff transferring to Qualifications Wales under this Scheme, but those records do not transfer under article 8, the Welsh Ministers may provide to Qualifications

Wales any such record on such conditions and subject to such restrictions as the Welsh Ministers consider appropriate.

Huw Lewis
The Minister for Education and Skills, one of the
Welsh Ministers

5 August 2015