



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

THE CHIEF EXECUTIVE OF SKILLS FUNDING

CHAPTER 1

ESTABLISHMENT AND MAIN DUTIES

The Chief Executive

81 The Chief Executive of Skills Funding

- (1) There is to be a Chief Executive of Skills Funding.
- (2) In this Part that person is referred to as “the Chief Executive”.
- (3) The Chief Executive is to be appointed by the Secretary of State.
- (4) Except as provided for in section 107, 108 or 109, the Chief Executive is to perform the functions of the office in relation to England only.
- (5) Schedule 4 makes further provision about the Chief Executive.

Commencement Information

II S. 81 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.
Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date.
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Apprenticeship functions

82 Apprenticeship functions

- (1) The Secretary of State may direct the Chief Executive to arrange for apprenticeship functions specified in the direction to be carried out on behalf of the Chief Executive by a person designated by the Chief Executive.
- (2) The Secretary of State may give directions to the Chief Executive—
 - (a) as to the performance of apprenticeship functions;
 - (b) as to the description or identity of the person to be designated under subsection (1);
 - (c) as to the terms of arrangements under that subsection;
 - (d) requiring the Chief Executive to secure that the person designated under subsection (1) reports to the Secretary of State, in such form and at such times as may be specified in the direction, on the performance of apprenticeship functions which are the subject of arrangements under subsection (1).
- (3) A designation of a person under subsection (1) may be made only with the person's consent.
- (4) Arrangements made by virtue of subsection (1) may be made on terms that permit sub-delegation; and the power conferred by subsection (2)(c) includes power to give directions as to—
 - (a) the arrangements for any such sub-delegation;
 - (b) functions which may be sub-delegated;
 - (c) the description or identity of persons to whom functions may be sub-delegated.
- (5) In this section, “apprenticeship functions” means functions of the office which relate to—
 - (a) apprenticeship certificates;
 - (b) recognised English frameworks and the specification of apprenticeship standards for England;
 - (c) apprenticeship training;
 - ^{F1}(d)
 - (e) the provision of advice and assistance to the Secretary of State under section 106.
- (6) Terms used in subsection (5)(a) and (b) have the same meanings as in Chapter 1 of Part 1.
- (7) Regulations may provide—
 - (a) for any provision relating to a function of the office made by or under any Act—
 - (i) not to apply, or
 - (ii) to apply subject to prescribed modifications,
 in relation to the function where the function is the subject of arrangements under subsection (1);
 - (b) for references to the Chief Executive in any such provisions to be construed in prescribed circumstances as, or as including, references—
 - (i) to a person designated under subsection (1), or

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(ii) to a person to whom functions are sub-delegated under subsection (4), subject to such exceptions or modifications as may be prescribed.

Textual Amendments

F1 S. 82(5)(d) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 4](#); [S.I. 2012/1087](#), art. 3

Commencement Information

I2 S. 82 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

Apprenticeship training for persons aged 16 to 18 and certain young adults

83 [F²Power to secure provision of apprenticeship training]

- (1) The Chief Executive may secure the provision of facilities for suitable apprenticeship training for persons—
 - (a) who are over compulsory school age but under 19, or
 - (b) who are aged 19 or over but under 25 and are subject to learning difficulty assessment.
- (2) In deciding for the purposes of subsection (1) whether apprenticeship training is suitable for persons for whom facilities are provided, the Chief Executive must have regard (in particular) to—
 - (a) the persons' ages, abilities and aptitudes,
 - (b) any learning difficulties the persons may have,
 - (c) the quality of the training,
 - (d) the locations and times at which the training is provided.
- (3) In exercising the power conferred by subsection (1), the Chief Executive must have regard (in particular) to the desirability of—
 - (a) encouraging diversity of apprenticeship training available to persons;
 - (b) increasing opportunities for persons to exercise choice;
 - (c) enabling persons to whom Part 1 of the Education and Skills Act 2008 (c. 25) applies to fulfil the duty imposed by section 2 of that Act (duty to participate in education or training).
- (4) Subsections (6) and (7) of section 15ZA of the Education Act 1996 (c. 56) (meaning of learning difficulty) apply for the purposes of this section as they apply for the purposes of that section.
- (5) In this Part “apprenticeship training” means training provided in connection with—
 - (a) an apprenticeship agreement,
 - (b) any other contract of employment, or
 - (c) any other kind of working in relation to which alternative English completion conditions apply under section 1(5).

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Textual Amendments

F2 S. 83 heading substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 5](#); [S.I. 2012/1087](#), art. 3

Commencement Information

I3 S. 83 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

[^{F3}83A The apprenticeship offer

(1) The Chief Executive must secure the provision of proper facilities for apprenticeship training that is suitable to the requirements of persons who—

- (a) are within subsection (4), (5) or (6), and
- (b) have an apprenticeship opportunity.

This is subject to section 83B (limit on scope of apprenticeship offer).

(2) The duty imposed by subsection (1) is referred to in this section and section 83B as “the apprenticeship offer”.

(3) An apprenticeship opportunity is an opportunity to—

- (a) enter into an apprenticeship agreement,
- (b) enter into any other contract of employment in connection with which training will be provided in accordance with an apprenticeship framework, or
- (c) undertake any other kind of working—
 - (i) in relation to which alternative English completion conditions apply under section 1(5), and
 - (ii) in connection with which training will be provided in accordance with an apprenticeship framework.

(4) A person within this subsection is one who is over compulsory school age but under 19.

(5) A person within this subsection is one who is not within subsection (4) and—

- (a) is a person aged under 21 towards whom a local authority in England has the duties provided for in section 23C of the Children Act 1989 (continuing functions in relation to certain formerly looked after children), or
- (b) is a person to whom section 23CA of that Act applies (further assistance for certain formerly looked after children aged under 25), in relation to whom a local authority in England is the responsible local authority (within the meaning of that section).

(6) A person within this subsection is one who—

- (a) is not within subsection (4), and
- (b) is of a prescribed description.

(7) If regulations under subsection (6)(b) describe a person by reference to an age or an age range, the age, or the upper age of the age range, must be less than 25.

(8) Facilities are proper if they are—

- (a) of a quantity sufficient to meet the reasonable needs of individuals, and
- (b) of a quality adequate to meet those needs.

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- (9) Section 83(2) and (3) (when apprenticeship training is suitable, and matters to which Chief Executive must have regard) apply for the purposes of the apprenticeship offer.
- (10) In complying with the apprenticeship offer the Chief Executive must make the best use of the Chief Executive's resources.
- (11) In this section “apprenticeship framework” has the meaning given by section 12.
- (12) The Secretary of State may by order amend this section for the purpose of changing the descriptions of persons to whom the apprenticeship offer applies.

Textual Amendments

F3 Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2), 82(3)**; [S.I. 2012/1087](#), **art. 3**

83B Limit on scope of the apprenticeship offer

- (1) The Chief Executive is not required by the apprenticeship offer to secure the provision of facilities for apprenticeship training at a particular level for a person who—
 - (a) has already completed an English apprenticeship in relation to an apprenticeship framework at that level, or
 - (b) holds an apprenticeship certificate at that level.
- (2) For the purposes of this section apprenticeship training is at a particular level if it might reasonably be expected to lead to the issue of an apprenticeship certificate at that level.
- (3) The following provisions of Chapter 1 of Part 1 apply for the purposes of this section—
 - section 1 (meaning of “completing an English apprenticeship”);
 - section 12 (meaning of apprenticeship framework and level of an apprenticeship framework).
- (4) In this section “apprenticeship certificate” means an apprenticeship certificate issued under section 3 or 4.
- (5) A reference in this section to an apprenticeship certificate at any level includes a reference to a certificate or other evidence (including a certificate awarded or evidence provided by a person outside England) which appears to the Chief Executive to be evidence of experience and attainment at a comparable or higher level.]

Textual Amendments

F3 Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2), 82(3)**; [S.I. 2012/1087](#), **art. 3**

84 Arrangements and co-operation with ^{F4}local authorities]

- (1) The Chief Executive may enter into arrangements with ^{F4}local authorities] in England under which the Chief Executive is to secure the provision of apprenticeship training by virtue of section 83 ^{F5}or 83A] .
- (2) The Chief Executive must co-operate with a ^{F6}local authority] in England where the authority is—

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- (a) making any determination as to the provision of apprenticeship training that should be secured under section 15ZA(1) of the Education Act 1996 (duty in respect of education and training for persons over compulsory school age: England), or
- (b) securing the provision of any apprenticeship training under that section.

Textual Amendments

- F4** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**
- F5** Words in s. 84(1) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 6**; [S.I. 2012/1087](#), art. 3
- F6** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(2)**

Commencement Information

- I4** S. 84 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

85 ^[F7] Provision of apprenticeship training etc for persons within section 83 or 83A

- (1) The Chief Executive must—
 - ^[F8](a) make reasonable efforts to secure that employers participate in the provision of apprenticeship training for all persons who are within section 83(1)(a) or (b) or section 83A(4), (5) or (6);
 - (b) encourage employers to contribute to the costs of ^[F9]apprenticeship training] for such persons.
- (2) For the purposes of subsection (1)(a), participating in the provision of ^[F10]apprenticeship] training includes participating by entering into—
 - (a) an apprenticeship agreement, or
 - (b) any other contract of employment in connection with which training is provided.

Textual Amendments

- F7** S. 85 heading substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 70(2)(d)**, 82(3); [S.I. 2012/1087](#), art. 3
- F8** S. 85(1)(a) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 70(2)(a)**, 82(3); [S.I. 2012/1087](#), art. 3
- F9** Words in s. 85(1)(b) substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 70(2)(b)**, 82(3); [S.I. 2012/1087](#), art. 3
- F10** Word in s. 85(2) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 70(2)(c)**, 82(3); [S.I. 2012/1087](#), art. 3

Commencement Information

- I5** S. 85 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

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Education and training for persons aged 19 or over etc.

86 Education and training for persons aged 19 or over and others subject to adult detention

- (1) The Chief Executive must secure the provision of reasonable facilities for—
 - (a) education suitable to the requirements of persons who are aged 19 or over, other than persons aged under 25 who are subject to learning difficulty assessment,
 - (b) education suitable to the requirements of persons who are subject to adult detention, and
 - (c) training suitable to the requirements of persons within paragraphs (a) and (b).
- (2) This section does not apply to the provision of facilities to the extent that section [F1183A or] 87 applies to the provision of those facilities.
- (3) Facilities are reasonable if (taking account of the Chief Executive's resources) their quantity and quality are such that the Chief Executive can reasonably be expected to secure their provision.
- (4) In discharging the duty under subsection (1) the Chief Executive must—
 - (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) take account of the different abilities and aptitudes of different persons;
 - (c) take account of the education and skills required in different sectors of employment for employees and potential employees;
 - (d) take account of facilities the provision of which the Chief Executive thinks might reasonably be secured by other persons;
 - (e) act with a view to encouraging diversity of education and training available to individuals;
 - (f) act with a view to increasing opportunities for individuals to exercise choice;
 - (g) have regard to the desirability of enabling persons subject to adult detention to continue programmes of education or training which they have begun;
 - (h) have regard to the desirability of the core entitlement^{F12}... being satisfied for persons subject to adult detention but aged under 19^{F12}...;
 - (i) make the best use of resources.
- (5) For the purposes of this section a reference to the provision of facilities for education or training (except so far as relating to facilities for persons subject to adult detention) includes a reference to the provision of facilities for organised leisure-time occupation in connection with education or (as the case may be) training.
- (6) For the purposes of this section—

“education” includes full-time and part-time education;

“training” includes—

 - (a) full-time and part-time training;
 - (b) vocational, social, physical and recreational training;
 - (c) apprenticeship training.
- (7) In this Part, “organised leisure-time occupation” means leisure-time occupation, in such organised cultural training and recreational activities as are suited to the

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requirements of persons who fall within subsection (1)(a) or (b), for any such persons who are able and willing to profit by facilities provided for that purpose.

[^{F13}(8) Section 17C of the Education Act 1996 (the core entitlement) applies for the purposes of subsection (4)(h).]

Textual Amendments

F11 Words in s. 86(2) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 7**; S.I. 2012/1087, art. 3

F12 Words in s. 86(4)(h) omitted (15.1.2012) by virtue of [Education Act 2011 \(c. 21\)](#), ss. 30(8)(a), 82(2)(b)

F13 S. 86(8) substituted (15.1.2012) by [Education Act 2011 \(c. 21\)](#), ss. 30(8)(b), 82(2)(b)

Commencement Information

I6 S. 86 in force at 1.4.2010 by S.I. 2010/303, art. 3, **Sch. 2** (with arts. 9-11)

87 Learning aims for persons aged 19 or over: provision of facilities

- (1) The Chief Executive must secure the provision of proper facilities for relevant education or training for persons falling within subsection (3) which is suitable to their requirements.
- (2) Relevant education or training is education or vocational training provided by means of a course of study for a qualification to which paragraph 1 of Schedule 5 applies.
- (3) The persons falling within this subsection are persons who—
 - (a) are aged 19 or over, and are not persons aged under 25 who are subject to learning difficulty assessment,
 - (b) do not have the qualification in question or one (including one awarded by a person outside England) which appears to the Chief Executive to be at a comparable or higher level, and
 - (c) satisfy such conditions as may be specified in regulations.
- (4) Facilities are proper if they are—
 - (a) of a quantity sufficient to meet the reasonable needs of individuals, and
 - (b) of a quality adequate to meet those needs.
- (5) In discharging the duty under subsection (1) the Chief Executive must—
 - (a) take account of the places where facilities are provided, the character of facilities and the way they are equipped;
 - (b) take account of the different abilities and aptitudes of different persons;
 - (c) take account of the education and training required in different sectors of employment for employees and potential employees;
 - (d) act with a view to encouraging diversity of education and training available to individuals;
 - (e) act with a view to increasing opportunities for individuals to exercise choice;
 - (f) make the best use of the Chief Executive's resources.
- (6) For the purposes of this section—

“education” includes full-time and part-time education;

“training” includes full-time and part-time training.

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Commencement Information

I7 S. 87 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

88 Learning aims for persons aged 19 or over: payment of tuition fees

(1) Functions under this Part must be exercised by the Chief Executive so as to secure that a course of study for a qualification to which [^{F14}paragraph 1(a) or (b)] of Schedule 5 applies is free to a person falling within subsection (2) if it is provided for the person by virtue of facilities whose provision is secured under section 87.

(2) A person falls within this subsection if, at the time of starting the course in question, the person—

- (a) is aged 19 or over,
- (b) does not have the qualification in question or one (including one awarded by a person outside England) which appears to the Chief Executive to be at a comparable or higher level, and
- (c) satisfies such conditions as may be specified in regulations.

[^{F15}(2A) Functions under this Part must be exercised by the Chief Executive so as to secure that a course of study for a qualification to which paragraph 1(c) of Schedule 5 applies is free to a person falling within subsection (4) if it is provided for the person by virtue of facilities whose provision is secured under section 87.]

(3) Functions under this Part must be exercised by the Chief Executive so as to secure that a course of study for a qualification to which paragraph 2 of Schedule 5 applies is free to a person falling within subsection (4) if it is provided for the person by virtue of facilities whose provision is secured under section 86.

(4) A person falls within this subsection if, at the time of starting the course in question, the person—

- (a) is aged at least 19 but less than [^{F16}24] ,
- (b) does not have the qualification in question or one (including one awarded by a person outside England) which appears to the Chief Executive to be at a comparable or higher level, and
- (c) satisfies such conditions as may be specified in regulations.

(5) The Secretary of State may by order—

- (a) amend subsection (2)(a) by substituting a different age for the age for the time being referred to;
- (b) amend subsection (4)(a) by substituting a different age for either of the ages for the time being referred to.

(6) For the purposes of this section, a course is free to a person if no tuition fees in respect of the provision of the course for the person are payable by a person other than—

- (a) the Chief Executive, or
- (b) a body specified by order by the Secretary of State for the purposes of this section.

(7) In subsection (6) “tuition fees”, in relation to a course, means—

- (a) the fees charged in respect of the course by the person providing it, and

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- (b) such fees in respect of other matters relating to the course (such as undergoing a preliminary assessment or sitting an examination) as may be specified in regulations.

Textual Amendments

- F14** Words in s. 88(1) substituted (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(2)(a)**, 82(3); S.I. 2012/1087, art. 2
- F15** S. 88(2A) inserted (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(2)(b)**, 82(3); S.I. 2012/1087, art. 2
- F16** Word in s. 88(4)(a) substituted (1.8.2012 for specified purposes) by [Education Act 2011 \(c. 21\)](#), **ss. 73(2)(c)**, 82(3); S.I. 2012/1087, art. 2

Commencement Information

- I8** S. 88 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

89 Sections 87 and 88: supplementary

- (1) Regulations may make provision as to circumstances in which—
- (a) despite having a specified qualification, a person is to be treated for the purposes of section 87 or 88 as not having that qualification;
 - (b) despite not having a specified qualification, a person is to be treated for any of those purposes as having that qualification.
- (2) A condition specified in regulations under section 87 or 88 may, in particular, relate to—
- (a) the possession, or lack, of a specified qualification;
 - (b) the completion of, or failure to complete, a course for a specified qualification.
- (3) A reference in subsection (1) or (2) to a specified qualification is to a qualification specified, or of a description specified, in the regulations.
- (4) Regulations under this section, or under section 87 or 88, may confer a function (which may relate to the administration of an assessment and may include the exercise of a discretion) on a person specified, or of a description specified, in the regulations.
- (5) Nothing in section 87 or 88 applies to the provision of facilities, or to courses of study, for persons subject to adult detention.
- (6) Part 2 of Schedule 5 makes further provision for the purposes of sections 87 and 88.

Commencement Information

- I9** S. 89 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

90 Encouragement of education and training for persons aged 19 or over and others subject to adult detention

- (1) The Chief Executive must—
- (a) encourage participation by persons within section 86(1)(a) and (b) in education and training within the Chief Executive's remit;

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- (b) encourage employers to participate in the provision of education and training within the Chief Executive's remit for persons within section 86(1)(a);
 - (c) encourage employers to contribute to the costs of education and training within the Chief Executive's remit for such persons.
- (2) For the purposes of subsection (1)(b), participating in the provision of training includes participating by entering into—
- (a) an apprenticeship agreement, or
 - (b) any other contract of employment in connection with which training is provided.

Commencement Information

I10 S. 90 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

PROSPECTIVE

The apprenticeship offer

F1791 Duty to secure availability of apprenticeship places

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; [S.I. 2012/1087](#), art. 3

F1792 Election for apprenticeship offer

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; [S.I. 2012/1087](#), art. 3

F1793 Meaning of “apprenticeship place”

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; [S.I. 2012/1087](#), art. 3

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F1794 Suitability and availability of apprenticeship places: further provision

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; S.I. 2012/1087, art. 3

F1795 Apprenticeship offer requirements

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; S.I. 2012/1087, art. 3

F1796 Apprenticeship offer requirements: interpretation

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; S.I. 2012/1087, art. 3

F1797 Suspension of offer

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; S.I. 2012/1087, art. 3

F1798 Power to amend apprenticeship offer

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Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 8**; S.I. 2012/1087, art. 3

F1799 Apprenticeship offer: interpretation

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Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.
Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 03 April 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)*

Textual Amendments

F17 Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

CHAPTER 2

OTHER FUNCTIONS

Funding

100 Provision of financial resources

- (1) The Chief Executive may secure the provision of financial resources to—
- (a) persons providing or proposing to provide education or training within the Chief Executive's remit;
 - (b) persons providing or proposing to provide goods or services in connection with the provision by others of such education or training;
 - (c) persons receiving or proposing to receive such education or training;
 - (d) persons aged 18 receiving or proposing to receive education or training;
 - (e) persons making loans to others receiving or proposing to receive education or training;
 - (f) persons providing or proposing to provide courses falling within paragraph 1(g) or (h) of Schedule 6 to the Education Reform Act 1988 (c. 40) (courses in preparation for professional examinations at a higher level or providing education at a higher level);
 - (g) persons undertaking or proposing to undertake research relating to education or training;
 - (h) persons carrying out means tests under arrangements made under section 103;
 - ^{F18}(i)
 - (j) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- (2) In performing the functions under this section the Chief Executive must make the best use of the Chief Executive's resources.
- (3) The Chief Executive may secure the provision of financial resources under subsection (1)—
- (a) by providing the resources;
 - (b) by making arrangements for the provision of resources by another person;
 - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the Chief Executive).
- (4) The Chief Executive may under subsection (1)(c) secure the provision of financial resources by reference to—
- (a) any fees or charges payable by the person receiving or proposing to receive the education or training, or
 - (b) any other matter (such as transport or childcare).

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.
Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 03 April 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)

Textual Amendments

F18 S. 100(1)(i) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 9](#); [S.I. 2012/1087](#), art. 3

Commencement Information

I11 S. 100 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

101 Financial resources: conditions

- (1) Financial resources provided by the Chief Executive may be provided subject to conditions.
- (2) The conditions may include—
 - (a) information conditions;
 - (b) operational conditions;
 - (c) repayment conditions.
- (3) Information conditions are conditions which—
 - (a) require the Chief Executive, or a person designated by the Chief Executive, to be given access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material, or
 - (b) require a person to whom financial resources are provided to give to the Chief Executive such information as the Chief Executive may request for the purpose of carrying out the functions of the office.
- (4) Operational conditions are conditions which require a person providing or proposing to provide education or training (“the provider”) to make arrangements providing for all or any of the matters mentioned in subsection (5).
- (5) The matters are the following—
 - (a) the charging of fees by the provider by reference to specified criteria;
 - (b) the making of awards by the provider by reference to specified criteria;
 - (c) the recovery by the provider of amounts from persons receiving education or training or from employers (or from both);
 - (d) the determination of amounts by reference to specified criteria where provision is made under paragraph (c);
 - (e) the operation of specified exemptions where provision is made under paragraph (c);
 - (f) the making by the provider of provision specified in a report of an assessment under section 139A or 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).
- (6) Repayment conditions are conditions which—
 - (a) enable the Chief Executive to require the repayment (in whole or part) of sums paid by the Chief Executive if any of the conditions subject to which the sums were paid is not complied with;
 - (b) require the payment of interest in respect of any period in which a sum due to the Chief Executive in accordance with any condition is unpaid.

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.
Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 03 April 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)

Commencement Information

I12 S. 101 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

102 Performance assessments

- (1) The Chief Executive may adopt or develop schemes for the assessment of the performance of persons in providing education or training within the Chief Executive's remit.
- (2) The Chief Executive may take the assessments into account in deciding how to exercise the powers under section 100.

Commencement Information

I13 S. 102 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

103 Means tests

- (1) The Chief Executive may—
 - (a) carry out means tests;
 - (b) arrange for other persons to carry out means tests.
- (2) The Chief Executive may take the results of the tests into account in exercising the power under section 100(1)(c), (d) or (e).

Commencement Information

I14 S. 103 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Apprenticeships: general

^{F19}104 Assistance and support in relation to apprenticeship places

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Textual Amendments

F19 S. 104 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), [s. 82\(3\)](#), [Sch. 18 para. 10](#); [S.I. 2012/1087](#), [art. 3](#)

105 Promoting progression from level 2 to level 3 apprenticeships

- (1) The Chief Executive must promote the desirability of persons within subsection (2) undertaking apprenticeship training at level 3.
- (2) The persons are those who—
 - (a) are undertaking apprenticeship training at level 2,

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- (b) have completed an English apprenticeship in relation to an apprenticeship framework at level 2, or
 - (c) hold an apprenticeship certificate at level 2.
- (3) For the purposes of this section apprenticeship training is at a particular level if it might reasonably be expected to lead to the issue of an apprenticeship certificate at that level.
- (4) The following provisions of Chapter 1 of Part 1 apply for the purposes of this section—
 section 1 (meaning of “completing an English apprenticeship”);
 section 12 (meaning of apprenticeship framework and level of an apprenticeship framework).
- [^{F20}(5) In this section “apprenticeship certificate” means an apprenticeship certificate issued under section 3 or 4.]
- [^{F20}(6) A reference in this section to an apprenticeship certificate at any level includes a reference to a certificate or other evidence (including a certificate awarded or evidence provided by a person outside England) which appears to the Chief Executive to be evidence of experience and attainment at a comparable or higher level.]

Textual Amendments

F20 S. 105(5)(6) substituted for s. 105(5) (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 11](#); [S.I. 2012/1087](#), art. 3

Commencement Information

I15 S. 105 in force at 6.4.2011 by [S.I. 2011/200](#), art. 3

106 Advice and assistance in relation to apprenticeships

The Chief Executive must, on request, provide the Secretary of State with advice and assistance in relation to the exercise of the Secretary of State's functions under Chapter 1 of Part 1.

Commencement Information

I16 S. 106 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

Provision of services and assistance

107 Provision of services

- (1) The Chief Executive may make arrangements with a permitted recipient for the provision by the Chief Executive of services that are required by the permitted recipient in connection with the exercise of the recipient's functions relating to education or training.
- (2) The services that may be provided under arrangements made under subsection (1) include—
 - (a) providing accommodation and other facilities to a permitted recipient or managing such facilities on behalf of a permitted recipient;

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- (b) procuring, or assisting in procuring, goods and services for use by a permitted recipient.
- (3) The terms and conditions upon which the arrangements are made may include provision for making payments to the Chief Executive in respect of expenditure incurred by the Chief Executive in performing any function under the arrangements.
- (4) In this section “permitted recipient” means—
 - (a) the Secretary of State;
 - (b) the Welsh Ministers;
 - (c) the Scottish Ministers;
 - (d) a Northern Ireland department;
 - ^{F21}(e)
 - (f) a person, wholly or partly funded from public funds, who has functions relating to education or training;
 - (g) any other person specified, or of a description specified, by order made by the appropriate national authority for the purposes of this section.
- (5) Before making arrangements under which it may provide services to a permitted recipient who falls within any of paragraphs (b) to (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Chief Executive must obtain the consent of the Secretary of State.
- (6) Before making arrangements under which it may provide services to a permitted recipient who falls within paragraph (a), (e), (f) or (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the Chief Executive must obtain—
 - (a) in relation to education or training provided in Wales, the consent of the Welsh Ministers;
 - (b) in relation to education or training provided in Scotland, the consent of the Scottish Ministers;
 - (c) in relation to education or training provided in Northern Ireland, the consent of the Minister for Employment and Learning in Northern Ireland.
- (7) Consent may be given under subsection (5) or (6) in relation to particular arrangements or arrangements of a particular description.
- (8) “The appropriate national authority” means—
 - (a) in relation to a person exercising functions relating only to education or training provided in Wales, the Welsh Ministers;
 - (b) in relation to a person exercising functions relating only to education or training provided in Scotland, the Scottish Ministers;
 - (c) in relation to a person exercising functions relating only to education or training provided in Northern Ireland, the Department for Employment and Learning in Northern Ireland;
 - (d) in any other case, the Secretary of State.

Textual Amendments

F21 S. 107(4)(e) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 47](#); [S.I. 2012/924](#), art. 2

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.
Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 03 April 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)

Commencement Information

I17 S. 107 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

108 Assistance with respect to employment and training

- (1) The Chief Executive may take part in arrangements made by the Secretary of State, the Welsh Ministers or the Scottish Ministers under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements for assisting persons to select, train for, obtain and retain employment).
- (2) Before making such arrangements in relation to Wales or Scotland in which the Chief Executive is to take part, the Secretary of State must obtain the consent of the Welsh Ministers or (as the case may be) the Scottish Ministers to the arrangements.
- (3) Before making such arrangements in which the Chief Executive is to take part, the Welsh Ministers or the Scottish Ministers must obtain the consent of the Secretary of State to the arrangements.

Commencement Information

I18 S. 108 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

109 Assistance with respect to employment and training: Northern Ireland

- (1) The Chief Executive may take part in any arrangements made by the Department for Employment and Learning in Northern Ireland under section 1 of the Employment and Training Act (Northern Ireland) 1950 (c. 29 (N.I.)) (arrangements for assisting persons to select, train for, obtain and retain employment).
- (2) Before making such arrangements in which the Chief Executive is to take part, the Department must obtain the consent of the Secretary of State to the arrangements.

Commencement Information

I19 S. 109 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Miscellaneous

110 Research, information and advice

- (1) The Chief Executive may carry out programmes of research and development connected with any matter relevant to the functions of the office.
- (2) If requested to do so by the Secretary of State, the Chief Executive must provide the Secretary of State with information or advice on such matters relating to any of the functions of the office as may be specified in the request.
- (3) The Chief Executive may provide the Secretary of State with other information or advice on any matter in relation to which the Chief Executive has a function.

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.
Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 03 April 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)

- (4) The Chief Executive may provide any person designated by the Secretary of State with information about any matter in relation to which the Chief Executive has a function.
- (5) The Chief Executive must establish systems for collecting information designed to secure that decisions of the Chief Executive with regard to education and training are made on a sound basis.
- (6) The Chief Executive may secure the provision of facilities and services for providing information, advice or guidance about education or training or connected matters (including employment).

Commencement Information

I20 S. 110 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

111 Power to confer supplementary functions on Chief Executive

- (1) The Secretary of State may by order confer supplementary functions on the Chief Executive.
- (2) A supplementary function is a function which is—
 - (a) exercisable in connection with functions of the Secretary of State, and
 - (b) relevant to the provision of facilities for education or training within the Chief Executive's remit.

Commencement Information

I21 S. 111 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

CHAPTER 3

CHIEF EXECUTIVE'S FUNCTIONS: SUPPLEMENTARY

Strategies

^{F22}**112 Strategies for functions of Chief Executive**

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Textual Amendments

F22 Ss. 112-114 repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 73\(3\)](#), [82\(3\)](#); [S.I. 2012/924](#), [art. 2](#)

^{F22}**113**

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Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.

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Textual Amendments

F22 Ss. 112-114 repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(3)**, 82(3); [S.I. 2012/924](#), **art. 2**

^{F22} 114 Strategies: duty of Chief Executive

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Textual Amendments

F22 Ss. 112-114 repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(3)**, 82(3); [S.I. 2012/924](#), **art. 2**

Other

115 Persons with learning difficulties

- (1) The Chief Executive must, in performing the functions of the office, have regard to the needs of persons with learning difficulties to whom this section applies.
- (2) This section applies to—
 - (a) persons who are aged 19 or over, other than persons aged under 25 who are subject to learning difficulty assessment, and
 - (b) persons who are subject to adult detention.
- (3) For the purposes of this section, a person has a learning difficulty if—
 - (a) the person has a significantly greater difficulty in learning than the majority of persons of the same age, or
 - (b) the person has a disability which either prevents or hinders the person from making use of facilities of a kind generally provided by institutions providing education or training falling within section 86(1)(a), (b) or (c).
- (4) 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.

Commencement Information

I22 S. 115 in force at 1.4.2010 by [S.I. 2010/303](#), **art. 3**, **Sch. 2** (with **arts. 9-11**)

116 Persons subject to adult detention

The Chief Executive must, in performing the functions of the office, have regard to the needs of persons subject to adult detention.

Commencement Information

I23 S. 116 in force at 1.4.2010 by [S.I. 2010/303](#), **art. 3**, **Sch. 2** (with **arts. 9-11**)

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.

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Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

117 Use of information by Chief Executive

The Chief Executive must, in performing the functions of the office, have regard to information supplied to the Chief Executive by any person designated for the purposes of this section by the Secretary of State.

Commencement Information

I24 S. 117 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

118 Guidance

(1) The Chief Executive must, in performing the functions of the office, have regard to any guidance given by the Secretary of State.

[^{F23}(1A) Guidance under this section must include guidance about the performance by the Chief Executive of the duty imposed by section 85(1)(a).]

(2) Guidance under this section may include in particular guidance about—

- (a) consultation with persons mentioned in subsection (3) in connection with the taking of decisions which affect such persons, and
- (b) taking advice from such persons or descriptions of persons as may be specified in the guidance.

(3) The persons are—

- (a) persons receiving or proposing to receive education or training within the Chief Executive's remit,
- (b) employers, or
- (c) such other persons or descriptions of persons as may be specified in the guidance.

(4) Guidance under this section about consultation with persons falling within subsection (3)(a) must provide for the views of such persons to be considered in the light of their age and understanding.

Textual Amendments

F23 S. 118(1A) inserted (1.9.2012) by Education Act 2011 (c. 21), ss. 70(3), 82(3); S.I. 2012/1087, art. 3

Commencement Information

I25 S. 118 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

[^{F24}118A Directions: consultation

(1) The Secretary of State may direct the Chief Executive to carry out consultation in connection with matters related to the performance of any of the functions of the office.

(2) A direction under this section may (in particular) specify—

- (a) the persons, or descriptions of persons, to be consulted;
- (b) the way in which the consultation is to be carried out.]

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.
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Textual Amendments

F24 S. 118A inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 72, 82(3)**; [S.I. 2012/924, art. 2](#)

119 Directions: funding of qualifications

- (1) The Secretary of State may direct the Chief Executive that financial resources provided by the Chief Executive to a relevant institution or employer must be provided subject to a condition that the institution or employer does not make an excluded payment which can reasonably be said to consist of or come from financial resources received from the Chief Executive.
- (2) A direction under subsection (1) relating to a qualification may be made after any course of training or education leading to the qualification has begun.
- (3) In this section—
 - “an excluded payment” is a payment which —
 - (a) is in respect of a qualification to which Part 7 applies (see section 130) that is specified or of a description specified in the direction, and
 - (b) is made to the person who awards that qualification;
 - “relevant institution or employer” means an institution or employer who provides or is proposing to provide a course of training or education for persons who are aged 19 or over which leads to a qualification to which Part 7 applies.

Commencement Information

I26 S. 119 in force at 1.4.2010 by [S.I. 2010/303, art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

120 Other directions relating to functions of the office

- (1) The Secretary of State may give directions to the Chief Executive containing—
 - (a) objectives which the Chief Executive should achieve in carrying out the functions of the office, and
 - (b) time limits within which the Chief Executive should achieve the objectives.
- (2) The Secretary of State may give to the Chief Executive other directions as to the performance of any of the functions of the office if the Secretary of State is satisfied that the Chief Executive—
 - (a) has failed to discharge a duty imposed by or under any Act, or
 - (b) has acted or is proposing to act unreasonably with respect to the performance of any function conferred by or under any Act.
- (3) The Secretary of State may give directions under subsection (2) despite any provision made by or under any Act making the performance of a function dependent on the Chief Executive's opinion.
- (4) Directions given under this section with respect to functions conferred on the Chief Executive by or under this Part may not concern the provision of financial resources to a particular person or persons.

Status: Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 03 April 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)

Commencement Information

I27 S. 120 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

CHAPTER 4

GENERAL

121 Interpretation of Part

(1) In this Part—

“apprenticeship agreement” has the meaning given by section 32(1);

“apprenticeship training” has the meaning given by section 83;

“functions of the office” means functions of the Chief Executive conferred by or under any Act;

“organised leisure-time occupation” has the meaning given by section 86.

(2) In this Part a reference to education within the Chief Executive's remit is a reference to—

(a) education falling within section 86(1)(a) or (b), and

(b) organised leisure-time occupation in connection with such education.

(3) In this Part a reference to training within the Chief Executive's remit is a reference to—

(a) training falling within section 83(1),

[^{F25}(aa) training falling within section 83A(1),]

(b) training falling within section 86(1)(c), and

(c) organised leisure-time occupation in connection with training falling within section 86(1)(c).

(4) For the purposes of this Part a person is subject to adult detention if the person is subject to a detention order and—

(a) aged 19 or over, or

(b) aged under 19 and detained in—

(i) a young offender institution, or part of such an institution, that is used wholly or mainly for the detention of persons aged 18 and over, or

(ii) a prison.

Textual Amendments

F25 S. 121(3)(aa) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 12](#); [S.I. 2012/1087](#), [art. 3](#)

Commencement Information

I28 S. 121 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Status:

Point in time view as at 01/09/2012. This version of this part contains provisions that are prospective.

Changes to legislation:

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