



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 2

#### [<sup>F1</sup>LOCAL AUTHORITY] FUNCTIONS

##### *Education and training for persons over compulsory school age*

#### **44 Power to require provision of education by further education institution**

(1) Before section 52 of the Further and Higher Education Act 1992 (c. 13) insert—

##### **“51A Duty to provide for named individuals: England**

- (1) This section applies to an institution in England within the further education sector which provides education suitable to the requirements of persons over compulsory school age but under the age of 19.
- (2) A [<sup>F1</sup>local authority] may by notice given to the governing body of such an institution—
  - (a) require them to provide specified individuals with such education falling within subsection (1) as is appropriate to the individuals' abilities and aptitudes;
  - (b) withdraw such a requirement.
- (3) A [<sup>F1</sup>local authority] may specify an individual in a notice under subsection (2) only if the individual—
  - (a) is in the authority's area, and
  - (b) is over compulsory school age but under the age of 19.
- (4) Before giving a notice under subsection (2) imposing a requirement on a governing body, a [<sup>F1</sup>local authority] must consult—

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**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Section 44 is up to date with all changes known to be in force on or before 19 March 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) View outstanding changes

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- (a) the governing body, and
  - (b) such other persons as the authority think appropriate.
- (5) The governing body of an institution within subsection (1) must secure compliance with a requirement that has been imposed under subsection (2) and has not been withdrawn.
- (6) In deciding whether to require a particular institution to provide education to a particular individual under subsection (2) a [<sup>F1</sup>local authority] in England must have regard to any guidance given from time to time by the Secretary of State.”
- (2) In section 52 of that Act—
  - (a) in subsection (1) after “institution” insert “ in Wales ”;
  - (b) in the title, at the end insert “ : Wales ”.

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#### Textual Amendments

- F1** 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\(2\)](#)
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#### Commencement Information

- I1** S. 44 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

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**Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6