



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 4

#### [<sup>F1</sup>APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING: ROLE OF SECRETARY OF STATE]

### CHAPTER 1

#### [<sup>F1</sup>APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING]

#### *Education and training for persons aged 19 or over etc.*

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

- (1) Functions under this Part must be exercised by the [<sup>F1</sup>Secretary of State] so as to secure that a course of study for a qualification to which [<sup>F2</sup>paragraph [<sup>F3</sup>1(a), (b) or (ba)]] 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 [<sup>F4</sup>Secretary of State] to be at a comparable or higher level, and
  - (c) satisfies such conditions as may be specified in regulations.

[<sup>F5</sup>(2A) Functions under this Part must be exercised by the [<sup>F6</sup>Secretary of State] so as to secure that a course of study for a qualification to which paragraph 1(c) of Schedule 5 applies

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*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 88 is up to date with all changes known to be in force on or before 10 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) View outstanding changes*

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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 [F7Secretary of State] 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 [F824 ] ,
  - (b) does not have the qualification in question or one (including one awarded by a person outside England) which appears to the [F9Secretary of State] 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 [F10Secretary of State] , 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
  - (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

- F1** Words in s. 88(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 11](#)
- F2** 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](#)
- F3** Words in s. 88(1) substituted (1.8.2020) by [Digital Economy Act 2017 \(c. 30\)](#), [ss. 114\(2\)](#), 118(6); S.I. 2020/70, [reg. 2](#)
- F4** Words in s. 88(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 11](#)
- F5** 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](#)
- F6** Words in s. 88(2A) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 11](#)
- F7** Words in s. 88(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 11](#)
- F8** Word in s. 88(4)(a) substituted (1.8.2012 for specified purposes, 1.8.2013 in so far as not already in force) by [Education Act 2011 \(c. 21\)](#), [ss. 73\(2\)\(c\)](#), 82(3); S.I. 2012/1087, [art. 2](#); S.I. 2012/2213, [art. 4](#)
- F9** Words in s. 88(4) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 11](#)

**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Section 88 is up to date with all changes known to be in force on or before 10 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) View outstanding changes

**F10** Words in s. 88(6)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\)](#), **Sch. 14 para. 11**

**Modifications etc. (not altering text)**

- C1** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C2** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C3** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C4** Ss. 86-88 applied (with modifications) (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C5** S. 88: transfer of functions (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), **3** (with arts. 1(2), 5)
- C6** S. 88: transfer of functions (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), **3** (with arts. 1(2), 5)
- C7** S. 88: transfer of functions (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), **3** (with arts. 1(2), 5)
- C8** S. 88: transfer of functions (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), **3** (with arts. 1(2), 5)
- C9** S. 88: transfer of functions (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), **3** (with arts. 1(2), 5)
- C10** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C11** S. 88: transfer of functions (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), **3** (with arts. 1(2), 5)
- C12** Ss. 86-88 applied (with modifications) (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C13** S. 88: transfer of functions (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), **3** (with arts. 1(2), 5)
- C14** Ss. 86-88 applied (with modifications) (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C15** S. 88: transfer of functions (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, **6(1)(c)(2)(3)** (with art. 8)
- C16** Ss. 86-88 applied (with modifications) (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 9, **Sch. 1**
- C17** Ss. 86-88 applied (with modifications) (E.) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), 9, **Sch. 1**
- C18** S. 88: transfer of functions (E.) (with application in accordance with art. 1(5)(6) of the amending S.I.) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **6(1)(c)(2)(3)** (with art. 8)

**Commencement Information**

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

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 86-88 applied (with modifications) by [S.I. 2024/402 art. 32Sch. 3](#)
- s. 88 transfer of functions by [S.I. 2024/402 art. 29](#)

**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](#)