



# Enterprise Act 2016

## 2016 CHAPTER 12

### PART 4

#### APPRENTICESHIPS

#### **25 Only statutory apprenticeships to be described as apprenticeships**

- (1) In Chapter A1 of Part 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (apprenticeships: England), after section A10 (inserted by section 24) insert—

**“A11 Only statutory apprenticeships to be described as apprenticeships**

- (1) A person (“P”) providing or offering any course or training that is, or is to be, undertaken (wholly or partly) in England commits an offence if—
- (a) in the course of business P describes the course or training as an apprenticeship, and
  - (b) the course or training is not a statutory apprenticeship.
- (2) No offence is committed under subsection (1) where the course or training is, or is to be, provided to an individual under or in pursuance of a contract of employment between the individual and P.
- (3) In subsection (1) “statutory apprenticeship” means any course or training that is, or is to be, provided under—
- (a) an approved English apprenticeship;
  - (b) an apprenticeship agreement within the meaning given in section 32;
  - (c) an arrangement to 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 is to be provided in accordance with an apprenticeship framework within the meaning given in section 12; or
  - (d) arrangements made under—

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*Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2016, Section 25. (See end of Document for details)*

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- (i) section 2 of the Employment and Training Act 1973,
  - (ii) section 17B(1)(a) of the Jobseekers Act 1995,
  - (iii) section 2(3) of the Enterprise and New Towns (Scotland) Act 1990, or
  - (iv) section 1 of the Employment and Training Act (Northern Ireland) 1950,
- that are identified by the person making the arrangements as arrangements for the provision of apprenticeships.
- (4) The reference to section 32 in subsection (3)(b) includes a reference to that section as it applies in relation to England by virtue of provision made under section 115(9) of the Deregulation Act 2015; and a reference to a section in subsection (3)(c) is a reference to the section as it so applies.
- (5) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (6) Where an offence under this section committed by a body corporate—
- (a) is committed with the consent or connivance of an officer of the body corporate, or
  - (b) is attributable to neglect on the part of an officer of the body corporate, the officer also commits the offence and is liable to be proceeded against and punished accordingly.
- (7) Every local weights and measures authority in England—
- (a) has a duty to enforce the provisions of this section within their area;
  - (b) must make to the Secretary of State, whenever he or she so directs, a report on the exercise of the authority's functions under this section.
- A report under paragraph (b) must be in such form, and contain such particulars, as the Secretary of State may direct.
- (8) Proceedings for an offence under this section may be instituted only—
- (a) by or on behalf of a local weights and measures authority in England,
  - (b) by or on behalf of the Secretary of State, or
  - (c) with the consent of the Director of Public Prosecutions.
- (9) In this section—
- “contract of employment” has the same meaning as in the Employment Rights Act 1996 (see section 230(2) of that Act);
  - “offering”, in relation to any course or training, includes offering or marketing it to the public generally or to any section of the public;
  - “officer”, in relation to a body corporate, means—
    - (a) a director, manager, secretary or similar officer of the body, or a person purporting to act in such capacity;
    - (b) a governor of an educational institution conducted by the body.
- (10) The reference in subsection (1) to describing any course or training as an apprenticeship includes a reference to describing an individual who undertakes it as an apprentice.”

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- (2) In Schedule 5 to the Consumer Rights Act 2015 (investigatory powers etc), in paragraph 10, at the appropriate place insert— “ section A11(7)(a) of the Apprenticeships, Skills, Children and Learning Act 2009; ”.

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**Commencement Information**

**II** [S. 25](#) in force at 1.4.2017 by [S.I. 2017/346](#), [reg. 2\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Enterprise Act 2016, Section 25.