

**EXPLANATORY MEMORANDUM TO  
THE APPRENTICESHIPS (FORM OF APPRENTICESHIP AGREEMENT)  
REGULATIONS 2012**

**2012 No. 844**

**1.** This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 The Apprenticeships (Form of Apprenticeship Agreement) Regulations 2012 specify the form of the Apprenticeship Agreement for England and Wales.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 An apprenticeship agreement is an agreement entered into between the apprentice and an employer in connection with an apprenticeship framework and is a requirement of the standard English completion conditions under section 1 of the Apprenticeships, Skills, Children and Learning Act 2009 (“the Act”).

4.2 Section 32 of the Act provides that the apprenticeship agreement must be in a form prescribed by the Secretary of State.

4.3 Section 36 enables the Secretary of State to make particular provision for Crown servants, members of the armed forces and Parliamentary staff.

**5. Territorial Extent and Application**

5.1 This instrument applies to England and Wales.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**7. Policy background**

7.1 The Act introduces a basic legislative framework for Apprenticeships with sufficient flexibility to allow employers to organise Apprenticeships to meet the needs of their industry or sector.

7.2 Section 32 sets out the conditions which must be satisfied by an apprenticeship agreement and it stipulates further that the agreement must be in a form prescribed by the Secretary of State. In order not to place a burden on business, these Regulations are light touch, so that Apprenticeship Agreements broadly take the form of written particulars of employment.

7.3 The instrument includes separate provision for Crown servants, House of Commons staff and the armed forces, in recognition of their different terms of employment.

## **8. Consultation outcome**

8.1 The government conducted a full public consultation on the Draft Apprenticeships Bill from July to October 2008. There were 69 responses and Apprenticeship Agreements were welcomed on the whole, although some respondents sought further clarification as to the legal status of the parties. Respondents were generally receptive to the legislative proposals with particular reference to the Government's aims of promoting Apprenticeships as a valuable alternative to conventional qualifications and providing a central mechanism for apprenticeship provision. A copy of the consultation report on the Draft Apprenticeships Bill is available at:

<http://www.education.gov.uk/consultations/downloadableDocs/Report%20on%20Draft%20apprenticeships%20Bill%20Consultation.doc>

## **9. Guidance**

9.1 The Secretary of State is not intending to issue guidance.

## **10. Impact**

10.1 This instrument does not impact on business, charities, voluntary bodies or the public sector.

10.2 A full Impact Assessment was undertaken for this instrument. It was published in November 2011. Its conclusion was that the regulations were necessary and would impose no administrative burdens or other costs on businesses:

<http://www.ialibrary.bis.gov.uk/ImpactAssessment/?IAID=3cec7ff0f40c42c09ae1e7121e36c2c6>

## **11. Regulating small business**

11.1 This instrument does not apply to small business.

## **12. Monitoring & review**

12.1 The instrument will be subject to internal review after twelve months and every two years thereafter.

## **13. Contact**

Tanya Lawes at the Department for Business, Innovation and Skills Tel: 020 7215 1418 or email: [Tanya.lawes@bis.gsi.gov.uk](mailto:Tanya.lawes@bis.gsi.gov.uk) for any queries regarding the instrument.