
STATUTORY INSTRUMENTS

2017 No. 1055 (C. 99)

EMPLOYMENT AND TRAINING, ENGLAND

The Technical and Further Education Act 2017 (Commencement
No. 2 and Transitional Provision) Regulations 2017

Made - - - - *1st November 2017*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 42, 44 and 47(2) of the Technical and Further Education Act 2017⁽¹⁾:

Citation and interpretation

1.—(1) These Regulations may be cited as the Technical and Further Education Act 2017 (Commencement No. 2 and Transitional Provision) Regulations 2017.

(2) In these Regulations “the 2017 Act” means the Technical and Further Education Act 2017.

Provisions coming into force on 8th November 2017

2. The following provisions of the 2017 Act come into force on 8th November 2017—
- (a) section 1(5), so far as it relates to the provisions brought into force by sub-paragraph (b) (to the extent that they are brought into force by that sub-paragraph);
 - (b) in Schedule 1—
 - (i) paragraph 1, so far as it relates to paragraphs 2(2), 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 22, 32, 33 and 34;
 - (ii) paragraph 2(1), so far as it relates to paragraph 2(2);
 - (iii) paragraphs 2(2), 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 22, 33 and 34; and
 - (iv) paragraph 32 (for the purposes of those provisions referred to within that paragraph which are already in force or which are brought into force by these Regulations).

Provisions coming into force on 2nd January 2018

3. The following provisions of the 2017 Act come into force on 2nd January 2018—
- (a) section 1(5), so far as it relates to the provisions brought into force by sub-paragraph (b) (to the extent that they are brought into force by that sub-paragraph);

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- (b) in Schedule 1—
 - (i) paragraph 1, so far as it relates to paragraphs 25, 26, 27, 28 and 31;
 - (ii) paragraphs 25, 26, 27, 28 and 31;
- (c) section 2; and
- (d) section 41.

Transitional Provision

4. From 8th November 2017 until commencement of section 1(1) of the 2017 Act, sections ZA9, ZA10, ZA11, A2, A2I, 40AA and Schedule A1 of the Apprenticeships, Skills, Children and Learning Act 2009⁽²⁾, are to be read as if for the terms “the Institute” and “the Institute for Apprenticeships and Technical Education” there were substituted “the IfA” and “the Institute for Apprenticeships”⁽³⁾ respectively.

1st November 2017

Anne Milton
Minister of State for Apprenticeship and Skills
Department for Education

(2) 2009 c. 22.

(3) The Institute for Apprenticeships is the body corporate established under section ZA1 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and referred to as the IfA in subsection (2) of that section.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force the specified provisions of the Technical and Further Education Act 2017 (c. 19) (“the 2017 Act”) on 8th November 2017 and 2nd January 2018. These are the second commencement regulations made under the 2017 Act. Part 4 of, and paragraph 35 of Schedule 1 to, the 2017 Act came into force on the day the 2017 Act was passed.

Regulation 2: provisions coming into force on 8th November 2017

Regulation 2 commences paragraphs 2(2), 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 22, 32, 33 and 34 of Schedule 1 to the 2017 Act (and paragraph 1 in so far as it relates to those paragraphs) and section 1(5) so far as it relates to those paragraphs.

Paragraph 2(2) omits the restrictions on the number of statutory notices the Secretary of State may give to the Institute for Apprenticeships (“the Institute”) under section ZA2(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”).

Paragraph 7 inserts new sections ZA9, ZA10 and ZA11 into the 2009 Act. Section ZA9 enables the Secretary of State to specify broad groups of occupations, which may also be referred to as ‘routes’. Section ZA10 requires the Institute to map occupations in relation to the routes identified by the Secretary of State under section ZA9 and to publish that information. Section ZA11 requires the Institute to publish standards for occupations which the Institute considers appropriate, and for each standard to describe the occupation and the outcomes which a person will be expected to attain to successfully achieve the standard.

Paragraph 11 amends section A2 of the 2009 Act so as to make explicit that it only applies to apprenticeship assessment plans.

Paragraphs 8, 9, 10, 12, 17, 18, 19 and 20 are amendments in consequence of new section ZA11 and amended section A2.

Paragraph 32 amends Schedule A1 to the 2009 Act so as to (i) make consequential amendments (ii) add to the supplementary powers of the Institute provided for in paragraph 10 of Schedule A1 to allow the Institute to use, in the exercise of any of its functions, information obtained by it in the exercise of any of its other functions. Paragraph 32 is only brought into force for the purposes of those provisions referred to within paragraph 32(2) which are already in force or which are brought into force by these Regulations. Sections A2DA, A2DB and A2IA are not yet in force.

Paragraphs 33 and 34 are transitional provisions. Approved English apprenticeship standards and plans published by the Institute under section A2 of the 2009 Act before the commencement of paragraphs 7 and 11 of the 2017 Act are to be treated as having been approved and published as standards (under new section ZA11) and plans (under amended section A2(6)).

Regulation 3: provisions coming into force on 2nd January 2018

Regulation 3 commences paragraphs 25, 26, 27, 28 and 31 of Schedule 1 to the 2017 Act (and paragraph 1 in so far as it relates to those paragraphs) and section 1(5) so far as it relates to those paragraphs.

Paragraph 27 inserts new section 40AA into the 2009 Act; this allows for information sharing between the Institute and other quality bodies and vice versa (in particular Ofsted, Ofqual and the Office for Students, which is to be established on 1st January 2018). In addition, the Secretary

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of State may make regulations to allow the Institute to share information for a specified purpose with other persons not stated on the face of the Act and vice versa. Paragraph 28, which amends section 40D of the 2009 Act, makes clear nothing in the new section authorises the Institute to provide information contrary to a statutory provision (in particular the Data Protection Act 1998) but that the Institute may provide information under the section notwithstanding any other restriction. Paragraph 31 amends section 262(2) of the 2009 Act so as to provide that any regulations made under section 40AA are subject to the affirmative procedure. Paragraphs 25 and 26 are amendments in consequence of section 40AA.

Section 2 of the 2017 Act introduces new section 42B into the Education Act 1997; this applies to proprietors of the following types of schools providing secondary education: academies; alternative provision academies; community, foundation or voluntary schools; community or foundation special schools (other than those established in hospitals); and pupil referral units. Among other things, it obliges proprietors of such schools to ensure that there is an opportunity for a range of education and training providers to access registered pupils during the relevant phase of their education for the purpose of informing them about approved technical education qualifications or apprenticeships. Such proprietors must prepare a policy statement setting out the circumstances in which education and training providers will be given access to registered pupils.

Section 41 of the 2017 Act amends section 125 of the Education and Inspections Act 2006. Section 125 provides for the inspection of further education institutions. The amendment adds – to the matters on which the Chief Inspector must comment in the written report – careers guidance provided to relevant students at the institution. Consequential amendment is also made.

Regulation 4: Transitional Provision

Until such time as section 1(1) of the 2017 Act, which will change the name of the Institute for Apprenticeships to the Institute for Apprenticeships and Technical Education, is commenced, this transitional provision provides that all references to “the Institute” and “the Institute for Apprenticeships and Technical Education” in the provisions listed should be read as references to, respectively, “the IfA” and “the Institute for Apprenticeships”.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Technical and Further Education Act 2017 (c. 19) have been brought into force by commencement regulations made before the date of these Regulations:

Provision	Date of Commencement	S.I. No.
Paragraphs 13 and 14 of Schedule 1	16th August 2017	2017/844 (C. 70)