



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 3

FUNCTIONS IN RELATION TO ASSESSMENT ARRANGEMENTS

Development etc. of regulated assessment arrangements

159 NC assessment arrangements: duty to consult Ofqual etc.

(1) Section 87 of the Education Act 2002 (c. 32) (establishment of the National Curriculum for England by order) is amended as follows.

(2) Before subsection (7) insert—

“(6A) Before making an order under subsection (3)(c) the Secretary of State—

(a) shall consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as the Secretary of State considers appropriate.”

(3) After subsection (8) insert—

“(8A) An order under subsection (3)(c) which includes provision made by virtue of subsection (8) shall provide that before making or revising the assessment arrangements the person specified in the order—

(a) shall consult the Office of Qualifications and Examinations Regulation, and

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Development etc. of regulated assessment arrangements is up to date with all changes known to be in force on or before 18 May 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

(b) may consult such other persons as that person considers appropriate.”

(4) After subsection (12) (as inserted by paragraph 35 of Schedule 12) insert—

“(12A) An order under subsection (3)(c) which authorises a person to make delegated supplementary provisions shall provide that before making, amending or revoking any such provisions the person so authorised—

(a) shall consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as that person considers appropriate.”

Commencement Information

I1 S. 159(1)(2) in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

I2 S. 159(3)(4) in force at 1.4.2010 for specified purposes by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

160 EYFS assessment arrangements: duty to consult Ofqual etc.

(1) Section 42 of the Childcare Act 2006 (c. 21) (further provisions about assessment arrangements) is amended as follows.

(2) Before subsection (1) insert—

“(A1) Before making a learning and development order specifying assessment arrangements the Secretary of State—

(a) must consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as the Secretary of State considers appropriate.”

(3) After subsection (3) insert—

“(3A) A learning and development order which includes provision made by virtue of subsection (3) must provide that before making or revising the assessment arrangements the person specified in the order—

(a) must consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as that person considers appropriate.”

(4) After subsection (6A) (as inserted by paragraph 40 of Schedule 12) insert—

“(6AA) A learning and development order which authorises a person to make delegated supplementary provisions must provide that before making, amending or revoking any such provisions the person so authorised—

(a) must consult the Office of Qualifications and Examinations Regulation, and

(b) may consult such other persons as that person considers appropriate.”

Commencement Information

I3 S. 160(1)(2) in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

I4 S. 160(3)(4) in force at 1.4.2010 for specified purposes by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Development etc. of regulated assessment arrangements is up to date with all changes known to be in force on or before 18 May 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.

[View outstanding changes](#)

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