



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 1

APPRENTICESHIPS, STUDY AND TRAINING

[^{F1}CHAPTER A1

APPRENTICESHIPS [^{F1}AND TECHNICAL EDUCATION]: ENGLAND]

[^{F1}Technical education qualifications

[^{F1}[^{F3}A2D3] [^{F2}Technical education certificate: approval of technical education qualifications]

- (1) The Institute may, if it considers it appropriate, approve a technical education qualification [^{F4}under this section] in respect of one or more occupations for which standards are published under section ZA11.
- ^{F5}(2)
- (3) The Institute may approve a technical education qualification under this section only if satisfied that
 - [^{F6}(a) the qualification falls within a category specified under section A2D2(1)(a), and
 - (b) by obtaining the qualification a person demonstrates that he or she has attained as many of the outcomes set out in the standards as may reasonably be expected to be attained by undertaking a course of education.
- (4) The Institute may approve a technical education qualification under this section only where the Institute—
 - (a) has determined the documents relating to the qualification to which it considers section A21A should apply (if any), and

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section A2D3 is up to date with all changes known to be in force on or before 28 March 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) is satisfied that each person (other than the Institute) who it thinks is entitled to a right or interest in any copyright in those documents agrees to the right or interest being transferred to the Institute (see section A21A).
- (5) If the Institute fails to comply with subsection (4)(b) then, unless it does so in the knowledge that a person does not agree as mentioned in that provision—
 - (a) the failure does not invalidate the approval of the qualification, but
 - (b) the Institute must pay such compensation (if any) as may be appropriate to any person whose right or interest is transferred to the Institute without the person's agreement.
- (6) In making a determination under subsection (4)(a), the Institute may take into account the likelihood of any person agreeing as mentioned in subsection (4)(b).
- (7) The Institute may revise its determination under subsection (4)(a) before approving the qualification.

- F7(8)
- F7(9)
- F7(10)
- F7(11)
- F7(12)
- F7(13)]

Textual Amendments	
F1	Ss. A2DA-A2DC and cross-heading inserted (31.1.2019) by Technical and Further Education Act 2017 (c. 19) , s. 47(2), Sch. 1 para. 15 ; S.I. 2019/61, reg. 2(b)
F2	S. A2D3 heading substituted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21) , ss. 12(3)(d) , 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)
F3	S. A2DA renumbered as s. A2D3 (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21) , ss. 13(2) , 36(3) (with s. 13(8)); S.I. 2022/965, reg. 3(8) (with regs. 4, 5)
F4	Words in s. A2D3(1) inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21) , ss. 12(3)(a) , 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)
F5	S. A2D3(2) omitted (30.9.2022) by virtue of Skills and Post-16 Education Act 2022 (c. 21) , ss. 12(3)(b) , 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)
F6	Words in s. A2D3(3) inserted (30.9.2022) by Skills and Post-16 Education Act 2022 (c. 21) , ss. 7(3) , 36(3); S.I. 2022/965, reg. 3(2) (with regs. 4, 5)
F7	Ss. A2D3(8)-(13) omitted (30.9.2022) by virtue of Skills and Post-16 Education Act 2022 (c. 21) , ss. 12(3)(c) , 36(3); S.I. 2022/965, reg. 3(7) (with regs. 4, 5)

Changes to legislation:

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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