



Skills and Post-16 Education Act 2022

2022 CHAPTER 21

PART 1

SKILLS AND EDUCATION FOR WORK

CHAPTER 1

EDUCATION AND TRAINING FOR LOCAL NEEDS

Local skills improvement plans

4 Interpretation

(1) In sections 1 to 3 and [this section](#)—

“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

“eligible body” means a body corporate that—

- (a) is not a servant or agent of the Crown,
- (b) is not a body to which the Secretary of State appoints members, and
- (c) is not a public authority;

“employer” means a person that engages, or intends to engage, an individual under—

- (a) a contract of service or apprenticeship, or
- (b) a contract for services,

for the purposes of a business, trade or profession or the activities of a public authority or charitable institution (within the meaning given by section 58(1) of the Charities Act 1992), and “employee” is to be construed accordingly;

“employer representative body” means an eligible body that is designated as the employer representative body for a specified area under [section 2\(1\)](#);

Changes to legislation: There are currently no known outstanding effects for the Skills and Post-16 Education Act 2022, Section 4. (See end of Document for details)

“independent training provider” means a provider of post-16 technical education or training—

- (a) that provides English-funded post-16 technical education or training to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 (inspection of further education and training etc) applies, but
- (b) that is not—
 - (i) an employer who provides the education or training mentioned in paragraph (a) only to its employees,
 - (ii) a 16 to 19 Academy,
 - (iii) a school,
 - (iv) a local authority in England,
 - (v) an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992), or
 - (vi) a higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017);

“local authority in England” has the same meaning as in the Education Act 1996 (see sections 579(1) and 581 of that Act);

“local skills improvement plan” has the meaning given by [section 1\(8\)](#);

“notice” means written notice (and to “notify” means to give written notice);

“post-16 technical education or training” means any technical education or training provided to individuals over compulsory school age;

“public authority” includes—

- (a) a court or tribunal, and
- (b) any person certain of whose functions are functions of a public nature;

“relevant provider” means a provider of post-16 technical education or training which is—

- (a) an institution in England within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992),
- (b) an English higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017),
- (c) an independent training provider whose activities, so far as they relate to the provision of post-16 technical education or training, are carried on, or partly carried on, in England, or
- (d) a local authority in England, a 16 to 19 Academy or a school in England that is specified or described in regulations made by statutory instrument by the Secretary of State;

“school” has the meaning given by section 4(1) of the Education Act 1996;

“specified area” has the meaning given by [section 2\(1\)](#).

- (2) For the purposes of [sections 1 to 3](#) and [this section](#), education or training is “English-funded” if it is funded, wholly or partly, by—

- (a) the Secretary of State,
- (b) a combined authority,
- (c) the Greater London Authority, or
- (d) a local authority in England.

Changes to legislation: There are currently no known outstanding effects for the Skills and Post-16 Education Act 2022, Section 4. (See end of Document for details)

- (3) For those purposes, education or training funded by the Secretary of State includes education or training funded, wholly or partly, by amounts paid directly to the provider of the education or training in accordance with provision in regulations made by the Secretary of State under section 22(1) of the Teaching and Higher Education Act 1998 (financial support for students) by virtue of section 22(2)(h) or (i) of that Act.
- (4) Where a relevant provider that provides English-funded post-16 technical education or training enters into arrangements under which all or part of that education or training is provided by another relevant provider, the education or training provided under the arrangements is to be treated as English-funded post-16 technical education or training provided by the second relevant provider (as well as by the first).
- (5) A statutory instrument containing regulations under paragraph (d) of the definition of “relevant provider” in [subsection \(1\)](#) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

II [S. 4](#) in force at 28.6.2022, see [s. 36\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Skills and Post-16 Education Act 2022, Section 4.