
STATUTORY INSTRUMENTS

2013 No. 975 (C. 40)

**EDUCATION, ENGLAND AND WALES
EDUCATION, NORTHERN IRELAND**

**The Apprenticeships, Skills, Children and Learning
Act 2009 (Commencement No. 6) Order 2013**

Made - - - - 22nd April 2013

The Secretary of State for Education makes the following Order in exercise of the powers conferred by section 269(4) and (8)(b) of the Apprenticeships, Skills, Children and Learning Act 2009⁽¹⁾.

In accordance with section 269(6) of that Act, the Secretary of State has consulted the Department for Employment and Learning in Northern Ireland.

Citation

1.—(1) This Order may be cited as the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 6) Order 2013.

(2) In this Order—

“the Act” means the Apprenticeships, Skills, Children and Learning Act 2009; and

“Ofqual” means the Office of Qualifications and Examinations Regulation.

Provisions coming into force on 31st May 2013

2. The following provisions of the Act come into force on 31st May 2013—

(a) sections 145 and 146;

(b) section 266 to the extent that it relates to the provision in Schedule 16 specified below;

(c) Schedule 16 so far as it relates to the repeal of section 9 of the Education and Skills Act 2008⁽²⁾.

(1) 2009 c.22.

(2) 2008 c.25.

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Transitional provision

3. Any consultation carried out by Ofqual before 31st May 2013 for the purpose of developing criteria to be set under section 146(1) of the Act is to be treated as if it had been carried out by Ofqual under section 146(5) of the Act.

22nd April 2013

Matthew Hancock
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Apprenticeships, Skills, Children and Learning Act 2009 on 31st May 2013. The following provisions, which are listed in Article 2, are being commenced—

- (a) section 145, which provides that a recognised body (a person recognised by Ofqual under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 to award qualifications) may only award a particular form of a qualification if conditions are met. One of those conditions is that the body has assigned a number of hours of guided learning to any qualification that is relevant for the purposes of the Education and Skills Act 2008 (“the 2008 Act”). The 2008 Act imposes a duty on people under 18 to participate in education or training if they have not attained a level 3 qualification (the level of attainment demonstrated by obtaining A-levels in two subjects);
- (b) section 146, which requires Ofqual to set and publish criteria which a recognised body must apply when determining whether a qualification is relevant for the purposes of the 2008 Act and, if so, the number of hours of guided learning that should be assigned to a form of the qualification;
- (c) section 266 and Schedule 16 so far as they relate to the repeal of section 9 of the Education and Skills Act 2008. Section 9, which is not yet in force, amends section 24 of the Education Act 1997 which has been repealed in relation to England.

Article 3 makes a transitional provision which enables any consultation carried out by Ofqual before 31st May 2013 for the purpose of developing criteria to be set under section 146(1) of the Act to be treated as if it had been carried out by Ofqual under section 146(5) of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Apprenticeships, Skills, Children and Learning Act 2009 have been brought into force in relation to England and Wales by a Commencement Order made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------------------|-----------------------------|---------------------------|
| Section 1 | 6th April 2011 | 2011/200 |
| Sections 3 to 6 | 6th April 2011 | 2011/200 |
| Sections 11, for England only | 6th April 2011 | 2011/200 |
| Section 12, for England only | 1st March 2011 | 2011/200 |
| Sections 13 to 16 | 1st March 2011 | 2011/200 |
| Section 17 | 6th April 2011 | 2011/200 |
| Sections 23 to 27 | 30th September 2010 | 2010/2374 |
| Sections 32 to 36, for England only | 6th April 2011 | 2011/200 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|------------------------------------|------------------------|
| Sections 32 to 36, for Wales only | 1st August 2011 | 2011/200 |
| Section 37 | 6th April 2011 | 2011/200 |
| Section 38 | 1st March 2011 | 2011/200 |
| Section 39, for England only | 6th April 2011 | 2011/200 |
| Section 40 (fully) | 6th April 2011 | 2010/0303 |
| Sections 41 to 44 | 1st April 2010 | 2010/0303 |
| Sections 46 and 47 | 1st April 2010 | 2010/0303 |
| Sections 48 to 50 (partially), for England only | 1st September 2010 | 2010/0303 |
| Sections 49 and 50 (partially), for Wales only | 1st April 2011 | 2011/0829 |
| Sections 51 and 52, for England only | 1st September 2010 | 2010/0303 |
| Sections 51 and 52, for Wales only | 1st April 2011 | 2011/0829 |
| Sections 53, 54 and 57 | 1st April 2010 | 2010/0303 |
| Sections 55 and 56 | 12th January 2010 | 2009/3317 |
| Section 59 (partially) | 12th January 2010 | 2009/3317 |
| Section 59 (partially) | 1st April 2010 | 2010/0303 |
| Section 59 (fully) | 1st September 2010 | 2010/0303 |
| Sections 60 to 80 | 1st April 2010 | 2010/0303 |
| Sections 81 to 90 | 1st April 2010 | 2010/0303 |
| Sections 100 to 104 | 1st April 2010 | 2010/0303 |
| Section 105 | 6th April 2011 | 2011/200 |
| Sections 106 to 111 | 1st April 2010 | 2010/0303 |
| Section 112(1), (2) and (3) | 12th January 2010 | 2009/3317 |
| Section 112 (fully) | 1st April 2010 | 2010/0303 |
| Sections 113 to 121 | 1st April 2010 | 2010/0303 |
| Section 122 | 1st April 2010 | 2010/0303 |
| Sections 123 and 124 | 1st April 2010 | 2010/0303 |
| Section 125 (partially) | 12th January 2010 | 2009/3317 |
| Section 125 (fully) | 1st April 2010 | 2010/0303 |
| Section 126 | 12th January 2010 | 2009/3317 |
| Sections 127 to 144 | 1st April 2010 | 2010/1151 |
| Section 147 | 1st April 2010 | 2010/1151 |
| Section 148 (partially) | 1st April 2010 | 2010/1151 |
| Sections 149 to 154 | 1st April 2010 | 2010/1151 |
| Sections 156 and 157 | 1st April 2010 | 2010/1151 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|------------------------------------|------------------------|
| Section 158 (partially) | 1st April 2010 | 2010/1151 |
| Section 159 (partially) | 1st April 2010 | 2010/1151 |
| Section 160 (partially) | 1st April 2010 | 2010/1151 |
| Sections 161 to 173 | 1st April 2010 | 2010/1151 |
| Section 174 (partially) | 1st April 2010 | 2010/1151 |
| Section 174 (partially), for Wales only | 1st November 2010 | 2010/2413 |
| Section 175 to 177 | 1st April 2010 | 2010/1151 |
| Section 178(2) | 12th January 2010 | 2009/3317 |
| Section 178 (fully) | 1st April 2010 | 2010/1151 |
| Section 179 | 1st April 2010 | 2010/1151 |
| Section 180 (partially) | 1st April 2010 | 2010/1151 |
| Section 181 to 191 | 1st April 2010 | 2010/1151 |
| Section 192 (partially) | 1st April 2010 | 2010/1151 |
| Section 192 (partially), for Wales only | 1st November 2010 | 2010/2413 |
| Section 193 (partially) | 12th January 2010 | 2009/3317 |
| Section 193 (fully) | 1st April 2010 | 2010/0303 |
| Section 194 (1), (2) and (3) | 26th February 2010 | 2010/0303 |
| Section 194 (fully) | 1st April 2010 | 2010/0303 |
| Section 195 | 12th January 2010 | 2009/3317 |
| Sections 196 and 197 | 1st April 2010 | 2010/0303 |
| Section 202(1) and (2) | 12th January 2010 | 2009/3317 |
| Section 202(3) | 28th February 2011 | 2010/2374 |
| Sections 203 and 204 | 12th January 2010 | 2009/3317 |
| Section 205, for Wales only | 12th January 2010 | 2009/3341 |
| Sections 206 to 224 (partially) | 19th April 2010 | 2010/0303 |
| Sections 206 to 224 (partially) | 1st September 2010 | 2010/1151 |
| Section 225 (partially) | 12th January 2010 | 2009/3317 |
| Section 225 (fully) | 1st April 2010 | 2010/0303 |
| Section 226 | 12th January 2010 | 2009/3317 |
| Sections 227 to 241 | 12th January 2010 | 2009/3317 |
| Sections 242 to 245 | 1st September 2010 | 2010/303(3) |
| Section 249(3) | 1st September 2010 | 2010/303(4) |

(3) As amended by S.I 2010/1891.

(4) As amended by S.I 2010/1891.

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|------------------------------------|---------------------------|
| Sections 251 to 253 | 12th January 2010 | 2009/3317 |
| Sections 254 and 255 | 12th January 2010 | 2009/3317 |
| Section 256 | 1st April 2010 | 2010/0303 |
| Sections 257 and 258 | 12th January 2010 | 2009/3317 |
| Section 259, for Wales only | 1st October 2010 | 2010/2413 |
| Section 261 | 12th January 2010 | 2009/3317 |
| Section 266 (partially) | 12th January 2010 | 2009/3317 |
| Section 266 (partially) | 1st April 2010 | 2010/0303 |
| Section 266 (partially) | 1st April 2010 | 2010/1151 |
| Section 266 (partially), for Wales only | 1st October 2010 | 2010/2413 |
| Section 266 (partially), for Wales only | 1st November 2010 | 2010/2413 |
| Schedule 1 (partially) | 6th April 2010 | 2010/0303 |
| Schedule 2 (partially) | 12th January 2010 | 2009/3317 |
| Schedule 2 (partially) | 1st April 2010 | 2010/0303 |
| Schedule 2 (fully) | 1st September 2010 | 2010/0303 |
| Schedule 3 (partially) | 1st April 2010 | 2010/0303 |
| Schedules 4 to 6 | 1st April 2010 | 2010/0303 |
| Schedule 6 (partially), for Wales only | 1st April 2011 | 2011/0829 |
| Schedule 7 | 1st April 2010 | 2010/0303 |
| Schedule 8 (partially) | 12th January 2010 | 2009/3317 |
| Schedule 8 (fully) | 1st April 2010 | 2010/0303 |
| Schedules 9 to 11 | 1st April 2010 | 2010/1151 |
| Schedule 12 (partially) | 1st April 2010 | 2010/1151 |
| Schedule 12 (partially), for Wales only | 1st November 2010 | 2010/2413 |
| Schedule 13 | 12th January 2010 | 2009/3317 |
| Schedule 14, for Wales only | 12th January 2010 | 2009/3341 |
| Schedule 15 | 12th January 2010 | 2009/3317 |
| Schedule 16 (partially) | 12th January 2010 | 2009/3317 |
| Schedule 16 (partially) | 1st April 2010 | 2010/0303 |
| Schedule 16 (partially) | 1st April 2010 | 2010/1151 |
| Schedule 16 (partially) | 19th April 2010 | 2010/0303 |
| Schedule 16 (partially) | 1st September 2010 | 2010/1151 |
| Schedule 16 (partially), for Wales only | 1st October 2010 | 2010/2413 |
| Schedule 16 (partially), for Wales only | 1st November 2010 | 2010/2413 |

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