

**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(a).

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(b).

**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.

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(a) 2009 c.22.

(b) 2008 c.25.

22nd April 2013

### **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:

<b><i>Provision</i></b>	<b><i>Date of Commencement</i></b>	<b><i>S.I. No.</i></b>
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
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	2010/303
Sections 41 to 44	1st April 2010	2010/303

Sections 46 and 47	1st April 2010	2010/303
Sections 48 to 50 (partially), for England only	1st September 2010	2010/303
Sections 49 and 50 (partially), for Wales only	1st April 2011	2011/829
Sections 51 and 52, for England only	1st September 2010	2010/303
Sections 51 and 52, for Wales only	1st April 2011	2011/829
Sections 53, 54 and 57	1st April 2010	2010/303
Sections 55 and 56	12th January 2010	2009/3317
Section 59 (partially)	12th January 2010	2009/3317
Section 59 (partially)	1st April 2010	2010/303
Section 59 (fully)	1st September 2010	2010/303
Sections 60 to 80	1st April 2010	2010/303
Sections 81 to 90	1st April 2010	2010/303
Sections 100 to 104	1st April 2010	2010/303
Section 105	6th April 2011	2011/200
Sections 106 to 111	1st April 2010	2010/303
Section 112(1), (2) and (3)	12th January 2010	2009/3317
Section 112 (fully)	1st April 2010	2010/303
Sections 113 to 121	1st April 2010	2010/303
Section 122	1st April 2010	2010/303
Sections 123 and 124	1st April 2010	2010/303
Section 125 (partially)	12th January 2010	2009/3317
Section 125 (fully)	1st April 2010	2010/303
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
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	2010/303
Section 194 (1), (2) and (3)	26th February 2010	2010/303
Section 194 (fully)	1st April 2010	2010/303
Section 195	12th January 2010	2009/3317
Sections 196 and 197	1st April 2010	2010/303
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	2010/303
Sections 206 to 224 (partially)	1st September 2010	2010/1151
Section 225 (partially)	12th January 2010	2009/3317
Section 225 (fully)	1st April 2010	2010/303
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(a)
Section 249(3)	1st September 2010	2010/303(b)
Sections 251 to 253	12th January 2010	2009/3317
Sections 254 and 255	12th January 2010	2009/3317
Section 256	1st April 2010	2010/303
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	2010/303
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	2010/303
Schedule 2 (partially)	12th January 2010	2009/3317
Schedule 2 (partially)	1st April 2010	2010/303
Schedule 2 (fully)	1st September 2010	2010/303
Schedule 3 (partially)	1st April 2010	2010/303
Schedules 4 to 6	1st April 2010	2010/303
Schedule 6 (partially), for Wales only	1st April 2011	2011/829
Schedule 7	1st April 2010	2010/303
Schedule 8 (partially)	12th January 2010	2009/3317
Schedule 8 (fully)	1st April 2010	2010/303
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	2010/303
Schedule 16 (partially)	1st April 2010	2010/1151
Schedule 16 (partially)	19th April 2010	2010/303
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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(a) As amended by S.I 2010/1891.

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

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