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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These are the third Commencement Regulations made under the Enterprise Act 2016 (c. 12) (“the Act”). Regulation 2 commences, on 1st April 2017, sections 22, 23 and 25 of, and Schedule 4 to, the Act.

Section 22 introduces Schedule 4 to the Act. Schedule 4 inserts the following provisions into the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) (“the 2009 Act”):

Chapter ZA1 (which establishes the Institute for Apprenticeships (“the IfA”) and makes provision about the IfA’s duties and functions, the provision of advice and assistance to the Secretary of State, the delegation of functions to the IfA by the Secretary of State, the conferral of further functions on the IfA by regulations, annual and other reports, the Secretary of State’s directions where the IfA fails to discharge duties etc, and general provision about directions under Chapters ZA1 and A1);

Sections A2 (apprenticeship standards and assessment plans), A2A (preparation of apprenticeship standards and assessment plans), A2B (evaluation of quality of apprenticeship assessments), A2C (unsatisfactory apprenticeship assessments), A2D (committee to advise on quality evaluations etc), A2E (regular reviews of published standards and assessment plans), A2F (revision or withdrawal of published standards and assessment plans), A2G (examinations by independent third parties), A2H (list of published standards and assessment plans), and A2I (transfer of copyright in standards and assessment plans);

Schedule A1 (which makes provision about the IfA’s status, membership, tenure of non-executive members, remuneration of non-executive members, chief executive and other staff, arrangements with the Secretary of State, committees, procedure, exercise of functions, supplementary powers, accounts and reports, application of seal and proof of documents, and funding).

Schedule 4 to the Act also amends the following provisions to the 2009 Act: sections A3 (power to issue apprenticeship certificate); 122 (sharing of information for education and training purposes); and 262(6) (orders and regulations subject to affirmative procedure). Schedule 4 to the Act also makes other consequential amendments.

Section 23 of the Act makes transitional provision relating to the establishment of the IfA. This ensures that standards and assessment plans previously approved by the Secretary of State will be treated as if they are approved by the IfA.

Section 25 of the Act inserts section A11 into the 2009 Act. Section A11 creates an offence where, in the course of a business, a person providing or offering a course or training undertaken or to be undertaken in England describes it as an apprenticeship if it is not a statutory apprenticeship. The offence also covers describing a person who undertakes such a course or training as an apprentice. Employers cannot commit the offence in relation to their employees. Where the offence is committed by a body corporate, an officer of the body corporate also commits the offence if it is committed with their consent, connivance or is attributable to their neglect. This provision forms part of the law of England and Wales but applies to England only.