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STATUTORY INSTRUMENTS

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**2022 No. 949**

**EMPLOYMENT AND TRAINING, ENGLAND**

**The Apprenticeships (Miscellaneous Provisions) (Amendment)  
(No. 2) (England) Regulations 2022**

*Made - - - -at 10.45 a.m. on 8th September 2022*

*Laid before Parliament at 3.00 p.m. on 8th September 2022*

*Coming into force 30th September 2022*

The Secretary of State, in exercise of the powers conferred by sections A1(2), (4) and (5) and 262(3) of the Apprenticeships, Skills, Children and Learning Act 2009(a), makes the following Regulations.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Apprenticeships (Miscellaneous Provisions) (Amendment) (No. 2) (England) Regulations 2022.

(2) These Regulations come into force on 30th September 2022.

(3) These Regulations extend to England and Wales.

**Amendment of regulation 6 of the Apprenticeships (Miscellaneous Provisions) Regulations 2017: alternative English apprenticeships**

2.—(1) Regulation 6 (alternative English apprenticeships) of the Apprenticeships (Miscellaneous Provisions) Regulations 2017(b) is amended as follows.

(2) In paragraph (1), for “or (8)”, substitute “, (8) or (10)”.

(3) Omit paragraph (9)(a).

(4) After paragraph (9), insert—

“(10) This paragraph applies to the following persons who are working and receiving training to achieve an approved standard—

- (a) a convicted prisoner who was sentenced in relation to that conviction excluding such a prisoner in a naval, military or air force prison;
- (b) a convicted inmate who was sentenced in relation to that conviction; and
- (c) a convicted person—

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(a) 2009 (c. 22). Section A1 was inserted by section 3 of, and paragraph 1 of Schedule 1 to, the Deregulation Act 2015 (c. 20) and was later amended by section 22 of, and paragraph 4 of Schedule 4 to, the Enterprise Act 2016 (c. 12) and section 1 of, and paragraph 9 of Schedule 1 to, the Technical and Further Education Act 2017 (c. 19).

(b) S.I. 2017/1310, as amended by S.I. 2020/1120 and 2022/86.

- (i) who was sentenced in relation to that conviction;
- (ii) who is required to be detained in any accommodation mentioned in section 102(2)(a), (b) or (d) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a) or in a secure 16 to 19 Academy,

and continues to apply to a person after they cease to be a person mentioned in subparagraph (a), (b) or (c), so long as they were such a person when that work or training commenced.

(11) For the purposes of paragraph (1), the arrangement in paragraph (10) must specify a period of at least 12 months during which a person is expected to work and receive training under the arrangement.

(12) In paragraph (10)—

- (a) “convicted” means “convicted or found guilty of an offence or committed for contempt of court or for failing to do or abstain from doing anything required to be done or left undone” and “conviction” is to be construed accordingly;
- (b) “inmate” has the meaning given by Rule 2 of the Young Offender Institution Rules 2000(b); and
- (c) “secure 16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010(c).”.

*Kit Malthouse*  
Secretary of State

at 10.45 a.m. on 8th September 2022

Department for Education

## **EXPLANATORY NOTE**

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

These Regulations amend the Apprenticeships (Miscellaneous Provisions) Regulations 2017 (S.I. 2017/1310) (“the 2017 Regulations”) to allow alternative English apprenticeship arrangements to be made in respect of certain categories of persons who are detained in prison or similar premises.

Regulation 2 of these Regulations amends regulation 6 of the 2017 Regulations so as to allow alternative English apprenticeships to be made in respect of—

- (a) convicted and sentenced civilian prisoners (i.e. excluding military prisoners),
- (b) convicted and sentenced inmates in young offender institutions (Rule 2 of the Young Offender Institution Rules 2000 (S.I. 2000/3371) defines “inmate” as a person who is required to be detained in a young offender institution), and
- (c) other convicted and sentenced persons who are required to be detained in certain types of accommodation e.g. secure children’s homes, secure training centres, a secure 16 to 19 Academy.

These persons can continue such apprenticeships after being released so long as the apprenticeship started while the person was a prisoner, inmate or other person referred to in new regulation 6(10).

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(a) 2012 c. 10. Section 102(2) was amended by section 38 of, and paragraphs 28 and 29 to Schedule 9, of the Criminal Justice and Courts Act 2015 (c. 2).

(b) S.I. 2000/3371. There are amendments to rule 2 which are not relevant to these Regulations.

(c) 2010 c. 32. Section 1B was inserted by section 53(7) of the Education Act (c. 21) and amended by section 164(1) of the Police, Crime, Sentencing and Courts Act 2022 (c. 32).

These Regulations, in regulation 2(3), also correct an error in the Apprenticeships (Miscellaneous Provisions) (Amendment) (England) Regulations 2022 (S.I. 2022/86) by deleting the definition of “an approved standard” as the definition of that phrase is to be found in the enabling Act (section A1(7) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)).

A full regulatory impact assessment has not been prepared as this instrument has no impact on the costs of business and the voluntary sector.

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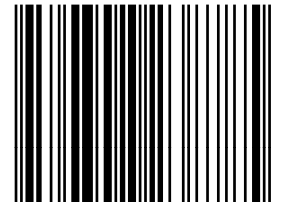
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