



# Tertiary Education and Research (Wales) Act 2022

2022 asc 1

## PART 4

### APPRENTICESHIPS

PROSPECTIVE

#### *Supplementary provisions about apprenticeship agreements*

#### **121 Ineffective provisions of approved Welsh apprenticeship agreements**

- (1) If an agreement—
  - (a) contains provision that satisfies the conditions mentioned in section 112(1)(a) to (c), but
  - (b) also contains provision that is inconsistent with those conditions, the other provision is to be treated as having no effect.
- (2) Before an agreement that satisfies the conditions mentioned in section 112(1)(a) to (c) is varied in such a way that it no longer satisfies one or more of those conditions, the person for whom the apprentice is working must give the apprentice a notice.
- (3) The notice must explain that if the variation takes effect the agreement will cease to be an approved Welsh apprenticeship agreement.
- (4) If an agreement is varied in breach of the requirement in subsection (2), the variation has no effect.

#### **Commencement Information**

- 11** S. 121 not in force at Royal Assent, see [s. 148\(2\)](#)

*Status: Point in time view as at 15/12/2022. This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Cross Heading: Supplementary provisions about apprenticeship agreements. (See end of Document for details)*

## 122 Status of approved Welsh apprenticeship agreements

- (1) To the extent that it would otherwise be treated as being a contract of apprenticeship, an approved Welsh apprenticeship agreement is to be treated as not being a contract of apprenticeship.
- (2) To the extent that it would not otherwise be treated as being a contract of service, an approved Welsh apprenticeship agreement is to be treated as being a contract of service.
- (3) This section applies for the purposes of any enactment or rule of law.

### Commencement Information

**I2** S. 122 not in force at Royal Assent, see [s. 148\(2\)](#)

## 123 Transfer of copyright in apprenticeship frameworks

- (1) This section applies where an apprenticeship framework is—
  - (a) prepared by a person other than the Commission, and
  - (b) published by the Commission under section 117(2) with the agreement of the person who, immediately before publication, is entitled to any right or interest in any copyright in the framework.
- (2) The right or interest is, by virtue of this section, transferred from that person to the Commission on publication.

### Commencement Information

**I3** S. 123 not in force at Royal Assent, see [s. 148\(2\)](#)

## 124 Crown servants

- (1) This Part applies in relation to an agreement under which a person undertakes Crown employment as it applies in relation to any other agreement under which a person undertakes to work for another.
- (2) Subsection (1) is subject to subsection (3) and to any modifications which may be provided for under subsection (5).
- (3) Section 122(2) does not apply in relation to an approved Welsh apprenticeship agreement that is an agreement within subsection (1).
- (4) Without prejudice to section 143(2), the power conferred by section 112(1)(c) may be exercised, in particular, to make provision in relation to an apprenticeship agreement which is an agreement within subsection (1) that differs from provision made in relation to other agreements under which a person is to work for another.
- (5) The Welsh Ministers may, by regulations, provide for any provision of this Part to apply with modifications in relation to—
  - (a) an agreement within subsection (1), or
  - (b) a person working, or proposing to work, under such an agreement.

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- (6) In subsection (1), “Crown employment” means employment under or for the purposes of the Welsh Government, a United Kingdom Government department or any officer or body exercising on behalf of the Crown functions conferred by a statutory provision (but does not include service as a member of the naval, military or air forces of the Crown).

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**Commencement Information**

**I4** S. 124 not in force at Royal Assent, see [s. 148\(2\)](#)

**Status:**

Point in time view as at 15/12/2022. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Tertiary Education and Research (Wales) Act 2022, Cross Heading: Supplementary provisions about apprenticeship agreements.