



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 4

#### [<sup>F1</sup>APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING: ROLE OF SECRETARY OF STATE]

##### Textual Amendments

**F1** Pt. 4 title substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 31\(a\)](#)

### CHAPTER 1

#### [<sup>F2</sup>APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING]

##### Textual Amendments

**F2** Pt. 4 Ch. 1 title substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 31\(b\)](#)

*F3*  
...

##### Textual Amendments

**F3** S. 81 and preceding crossheading omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 2](#)

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*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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**F<sup>3</sup>81 The Chief Executive of Skills Funding**

.....

F<sup>4</sup> ...

**Textual Amendments**  
F<sup>4</sup> S. 82 and preceding crossheading omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 3](#)

**F<sup>4</sup>82 Apprenticeship functions**

.....

*Apprenticeship training for persons aged 16 to 18 and certain young adults*

**83 [F<sup>5</sup>Power to secure provision of apprenticeship training]**

- (1) The [F<sup>6</sup>Secretary of State] may secure the provision of facilities for suitable apprenticeship training for persons—
  - (a) who are over compulsory school age but under 19, or
  - (b) who are aged 19 or over but under 25 and [F<sup>7</sup>for whom an EHC plan is maintained] .
- (2) In deciding for the purposes of subsection (1) whether apprenticeship training is suitable for persons for whom facilities are provided, the [F<sup>6</sup>Secretary of State] must have regard (in particular) to—
  - (a) the persons' ages, abilities and aptitudes,
  - (b) any [F<sup>8</sup>special educational needs] the persons may have,
  - (c) the quality of the training,
  - (d) the locations and times at which the training is provided.
- (3) In exercising the power conferred by subsection (1), the [F<sup>6</sup>Secretary of State] must have regard (in particular) to the desirability of—
  - (a) encouraging diversity of apprenticeship training available to persons;
  - (b) increasing opportunities for persons to exercise choice;
  - (c) enabling persons to whom Part 1 of the Education and Skills Act 2008 (c. 25) applies to fulfil the duty imposed by section 2 of that Act (duty to participate in education or training).

F<sup>9</sup>(4) .....

- (5) In this Part “apprenticeship training” means training provided in connection with—
  - [F<sup>10</sup>(a) an approved English apprenticeship, or
  - (b) any contract of service (other than an approved English apprenticeship agreement) or contract of apprenticeship.]

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### Textual Amendments

- F5** S. 83 heading substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 5](#); S.I. 2012/1087, art. 3
- F6** Words in s. 83(1)-(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 4](#)
- F7** Words in s. 83(1)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 89\(a\)](#); S.I. 2014/889, art. 7(a)
- F8** Words in s. 83(2)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 89\(b\)](#); S.I. 2014/889, art. 7(a)
- F9** S. 83(4) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 89\(c\)](#); S.I. 2014/889, art. 7(a)
- F10** S. 83(5)(a)(b) substituted for s. 83(5)(a)-(c) (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 1 para. 17](#); S.I. 2015/994, art. 6(a) (with [Sch. Pt. 2](#))

### Commencement Information

- I1** S. 83 in force at 1.4.2010 by S.I. 2010/303, art. 3, [Sch. 2](#) (with arts. 9-11)

## [<sup>F11</sup>83A The apprenticeship offer

- (1) The [<sup>F12</sup>Secretary of State] must secure the provision of proper facilities for apprenticeship training that is suitable to the requirements of persons who—
- are within subsection (4), (5) or (6), and
  - have an apprenticeship opportunity.
- This is subject to section 83B (limit on scope of apprenticeship offer).
- (2) The duty imposed by subsection (1) is referred to in this section and section 83B as “the apprenticeship offer”.
- (3) An apprenticeship opportunity is an [<sup>F13</sup>opportunity to enter into an approved English apprenticeship.]
- (4) A person within this subsection is one who is over compulsory school age but under 19.
- (5) A person within this subsection is one who is not within subsection (4) and—
- is a person aged under [<sup>F14</sup>25] towards whom a local authority in England has the duties provided for in section 23C [<sup>F15</sup>or 23CZB] of the Children Act 1989 (continuing functions in relation to certain formerly looked after children), or
  - is a person to whom section 23CA of that Act applies (further assistance for certain formerly looked after children aged under 25), in relation to whom a local authority in England is the responsible local authority (within the meaning of that section).
- (6) A person within this subsection is one who—
- is not within subsection (4), and
  - is of a prescribed description.
- (7) If regulations under subsection (6)(b) describe a person by reference to an age or an age range, the age, or the upper age of the age range, must be less than 25.
- (8) Facilities are proper if they are—

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- (a) of a quantity sufficient to meet the reasonable needs of individuals, and
  - (b) of a quality adequate to meet those needs.
- (9) Section 83(2) and (3) (when apprenticeship training is suitable, and matters to which [F16Secretary of State] must have regard) apply for the purposes of the apprenticeship offer.

F17(10) .....

F18(11) .....

- (12) The Secretary of State may by order amend this section for the purpose of changing the descriptions of persons to whom the apprenticeship offer applies.

**Textual Amendments**

**F11** Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2)**, 82(3); S.I. 2012/1087, art. 3

**F12** Words in s. 83A(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(2)**

**F13** Words in s. 83A(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 18(a)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

**F14** Word in s. 83A(5)(a) substituted (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(2), **Sch. 2 para. 6(a)**; S.I. 2018/346, reg. 4(aa)

**F15** Words in s. 83A(5)(a) inserted (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(2), **Sch. 2 para. 6(b)**; S.I. 2018/346, reg. 4(aa)

**F16** Words in s. 83A(9) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(2)**

**F17** S. 83A(10) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(3)**

**F18** S. 83A(11) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 18(b)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

**83B Limit on scope of the apprenticeship offer**

- (1) The [F19Secretary of State] is not required by the apprenticeship offer to secure the provision of facilities for apprenticeship training [F20for the purpose of assisting a person to achieve a particular approved apprenticeship standard if the person—
- (a) has already completed an approved English apprenticeship by achieving that standard,
  - (b) has already completed an approved English apprenticeship by achieving another standard and, in doing so, appears to the Secretary of State to have demonstrated a comparable level of achievement (whether or not in the same sector of work), or
  - (c) has worked under another arrangement and, in doing so, appears to the Secretary of State to have demonstrated a comparable level of achievement (whether or not in the same sector of work).]

[ Section A1(6) and (7) (which make provision about when a person completes an F21(1A) approved English apprenticeship and about the meaning of “approved apprenticeship standard”) apply for the purposes of subsection (1).]

F22(2) .....

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- F22(3) . . . . .  
F22(4) . . . . .  
F22(5) . . . . .]

#### Textual Amendments

- F11** Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2)**, 82(3); S.I. 2012/1087, art. 3
- F19** Words in s. 83B(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 6**
- F20** Words in s. 83B(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 19(2)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F21** S. 83B(1A) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 19(3)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F22** Ss. 83B(2)-(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 19(4)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

### **F24** 84 Arrangements and co-operation with <sup>F23</sup>local authorities]

. . . . .

#### Textual Amendments

- F23** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**
- F24** S. 84 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 7**

### **F26** 85 [<sup>F25</sup>Provision of apprenticeship training etc for persons within section 83 or 83A]

. . . . .

#### Textual Amendments

- F25** S. 85 heading substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 70(2)(d)**, 82(3); S.I. 2012/1087, art. 3
- F26** S. 85 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 8**

*Education and training for persons aged 19 or over etc.*

### **86 Education and training for persons aged 19 or over and others subject to adult detention**

- (1) [<sup>F27</sup>The Secretary of State must secure the provision of such facilities as the Secretary of State considers appropriate] for—
- (a) education suitable to the requirements of persons who are aged 19 or over, other than persons aged under 25 [<sup>F28</sup>for whom an EHC plan is maintained] ,
  - (b) education suitable to the requirements of persons who are subject to adult detention, and

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- (c) training suitable to the requirements of persons within paragraphs (a) and (b).
- (2) This section does not apply to the provision of facilities to the extent that section [F2983A or] 87 applies to the provision of those facilities.
- F30(3) .....
- F31(4) .....
- (5) For the purposes of this section a reference to the provision of facilities for education or training (except so far as relating to facilities for persons subject to adult detention) includes a reference to the provision of facilities for organised leisure-time occupation in connection with education or (as the case may be) training.
- (6) For the purposes of this section—  
“education” includes full-time and part-time education;  
“training” includes—  
(a) full-time and part-time training;  
(b) vocational, social, physical and recreational training;  
(c) apprenticeship training.
- (7) In this Part, “organised leisure-time occupation” means leisure-time occupation, in such organised cultural training and recreational activities as are suited to the requirements of persons who fall within subsection (1)(a) or (b), for any such persons who are able and willing to profit by facilities provided for that purpose.
- F32(8) .....

#### **Textual Amendments**

- F27** Words in s. 86(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 9(2)**
- F28** Words in s. 86(1)(a) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 90**; S.I. 2014/889, art. 7(a)
- F29** Words in s. 86(2) inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 18 para. 7**; S.I. 2012/1087, art. 3
- F30** S. 86(3) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 9(3)**
- F31** S. 86(4) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 9(3)**
- F32** S. 86(8) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 9(3)**

#### **Modifications etc. (not altering text)**

- C1** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C2** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C3** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C4** S. 86: transfer of functions (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), **3** (with arts. 1(2), 5)

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- C5 Ss. 86-88 applied (with modifications) (6.11.2018) by The West of England Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C6 S. 86: transfer of functions (6.11.2018) by The West of England Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), **3** (with arts. 1(2), 5)
- C7 S. 86: transfer of functions (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), **3** (with arts. 1(2), 5)
- C8 S. 86: transfer of functions (6.11.2018) by The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1146), arts. 1(1), **3** (with arts. 1(2), 5)
- C9 Ss. 86-88 applied (with modifications) (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C10 S. 86: transfer of functions (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), **3** (with arts. 1(2), 5)
- C11 S. 86: transfer of functions (6.11.2018) by The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1145), arts. 1(1), **3** (with arts. 1(2), 5)
- C12 Ss. 86-88 applied (with modifications) (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C13 Ss. 86-88 applied (with modifications) (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C14 S. 86: transfer of functions (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), **3** (with arts. 1(2), 5)

#### Commencement Information

- I2 S. 86 in force at 1.4.2010 by S.I. 2010/303, art. 3, **Sch. 2** (with arts. 9-11)

## 87 Learning aims for persons aged 19 or over: provision of facilities

- (1) [<sup>F33</sup>The Secretary of State must secure the provision of such facilities as the Secretary of State considers appropriate] for relevant education or training for persons falling within subsection (3) which is suitable to their requirements.
- (2) Relevant education or training is education or vocational training provided by means of a course of study for a qualification to which paragraph 1 of Schedule 5 applies.
- (3) The persons falling within this subsection are persons who—
  - (a) are aged 19 or over, and are not persons aged under 25 [<sup>F34</sup>for whom an EHC plan is maintained] ,
  - (b) do not have the qualification in question or one (including one awarded by a person outside England) which appears to the [<sup>F35</sup>Secretary of State] to be at a comparable or higher level, and
  - (c) satisfy such conditions as may be specified in regulations.

<sup>F36</sup>(4) .....

<sup>F37</sup>(5) .....

- (6) For the purposes of this section—
  - “education” includes full-time and part-time education;
  - “training” includes full-time and part-time training.



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### Textual Amendments

- F33** Words in s. 87(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 10(2)**
- F34** Words in s. 87(3)(a) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 91**; [S.I. 2014/889](#), art. 7(a)
- F35** Words in s. 87(3)(b) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 10(3)**
- F36** S. 87(4) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 10(4)**
- F37** S. 87(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 10(4)**

### Modifications etc. (not altering text)

- C1** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C2** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C3** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C5** Ss. 86-88 applied (with modifications) (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C9** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C12** Ss. 86-88 applied (with modifications) (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C13** Ss. 86-88 applied (with modifications) (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C15** S. 87: transfer of functions (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C16** S. 87: transfer of functions (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C17** S. 87: transfer of functions (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C18** S. 87: transfer of functions (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C19** S. 87: transfer of functions (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C20** S. 87: transfer of functions (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C21** S. 87: transfer of functions (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**

### Commencement Information

- I3** S. 87 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2 (with arts. 9-11)**



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## **88 Learning aims for persons aged 19 or over: payment of tuition fees**

(1) Functions under this Part must be exercised by the [<sup>F38</sup>Secretary of State] so as to secure that a course of study for a qualification to which [<sup>F39</sup>paragraph 1(a) or (b)] of Schedule 5 applies is free to a person falling within subsection (2) if it is provided for the person by virtue of facilities whose provision is secured under section 87.

(2) A person falls within this subsection if, at the time of starting the course in question, the person—

- (a) is aged 19 or over,
- (b) does not have the qualification in question or one (including one awarded by a person outside England) which appears to the [<sup>F40</sup>Secretary of State] to be at a comparable or higher level, and
- (c) satisfies such conditions as may be specified in regulations.

[<sup>F41</sup>(2A) Functions under this Part must be exercised by the [<sup>F42</sup>Secretary of State] so as to secure that a course of study for a qualification to which paragraph 1(c) of Schedule 5 applies is free to a person falling within subsection (4) if it is provided for the person by virtue of facilities whose provision is secured under section 87.]

(3) Functions under this Part must be exercised by the [<sup>F43</sup>Secretary of State] so as to secure that a course of study for a qualification to which paragraph 2 of Schedule 5 applies is free to a person falling within subsection (4) if it is provided for the person by virtue of facilities whose provision is secured under section 86.

(4) A person falls within this subsection if, at the time of starting the course in question, the person—

- (a) is aged at least 19 but less than [<sup>F44</sup>24 ] ,
- (b) does not have the qualification in question or one (including one awarded by a person outside England) which appears to the [<sup>F45</sup>Secretary of State] to be at a comparable or higher level, and
- (c) satisfies such conditions as may be specified in regulations.

(5) The Secretary of State may by order—

- (a) amend subsection (2)(a) by substituting a different age for the age for the time being referred to;
- (b) amend subsection (4)(a) by substituting a different age for either of the ages for the time being referred to.

(6) For the purposes of this section, a course is free to a person if no tuition fees in respect of the provision of the course for the person are payable by a person other than—

- (a) the [<sup>F46</sup>Secretary of State] , or
- (b) a body specified by order by the Secretary of State for the purposes of this section.

(7) In subsection (6) “tuition fees”, in relation to a course, means—

- (a) the fees charged in respect of the course by the person providing it, and
- (b) such fees in respect of other matters relating to the course (such as undergoing a preliminary assessment or sitting an examination) as may be specified in regulations.

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F38** Words in s. 88(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 11**
- F39** Words in s. 88(1) substituted (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(2)(a)**, 82(3); S.I. 2012/1087, **art. 2**
- F40** Words in s. 88(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 11**
- F41** S. 88(2A) inserted (1.8.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(2)(b)**, 82(3); S.I. 2012/1087, **art. 2**
- F42** Words in s. 88(2A) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 11**
- F43** Words in s. 88(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 11**
- F44** Word in s. 88(4)(a) substituted (1.8.2012 for specified purposes, 1.8.2013 in so far as not already in force) by [Education Act 2011 \(c. 21\)](#), **ss. 73(2)(c)**, 82(3); S.I. 2012/1087, **art. 2**; S.I. 2012/2213, **art. 4**
- F45** Words in s. 88(4) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 11**
- F46** Words in s. 88(6)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 11**

### Modifications etc. (not altering text)

- C1** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C2** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C3** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C5** Ss. 86-88 applied (with modifications) (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C9** Ss. 86-88 applied (with modifications) (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C12** Ss. 86-88 applied (with modifications) (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C13** Ss. 86-88 applied (with modifications) (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), 6, **Sch. (with art. 1(2))**
- C22** S. 88: transfer of functions (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C23** S. 88: transfer of functions (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C24** S. 88: transfer of functions (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C25** S. 88: transfer of functions (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C26** S. 88: transfer of functions (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C27** S. 88: transfer of functions (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**
- C28** S. 88: transfer of functions (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), **3 (with arts. 1(2), 5)**

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*

*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**14** S. 88 in force at 1.4.2010 by [S.I. 2010/303, art. 3, Sch. 2](#) (with arts. 9-11)

### 89 Sections 87 and 88: supplementary

- (1) Regulations may make provision as to circumstances in which—
  - (a) despite having a specified qualification, a person is to be treated for the purposes of section 87 or 88 as not having that qualification;
  - (b) despite not having a specified qualification, a person is to be treated for any of those purposes as having that qualification.
- (2) A condition specified in regulations under section 87 or 88 may, in particular, relate to—
  - (a) the possession, or lack, of a specified qualification;
  - (b) the completion of, or failure to complete, a course for a specified qualification.
- (3) A reference in subsection (1) or (2) to a specified qualification is to a qualification specified, or of a description specified, in the regulations.
- (4) Regulations under this section, or under section 87 or 88, may confer a function (which may relate to the administration of an assessment and may include the exercise of a discretion) on a person specified, or of a description specified, in the regulations.
- (5) Nothing in section 87 or 88 applies to the provision of facilities, or to courses of study, for persons subject to adult detention.
- (6) Part 2 of Schedule 5 makes further provision for the purposes of sections 87 and 88.

#### Commencement Information

**15** S. 89 in force at 1.4.2010 by [S.I. 2010/303, art. 3, Sch. 2](#) (with arts. 9-11)

### 90 Encouragement of education and training for persons aged 19 or over and others subject to adult detention

- (1) The <sup>F47</sup>Secretary of State] must—
  - (a) encourage participation by persons within section 86(1)(a) and (b) in education and training within the <sup>F48</sup>Secretary of State's remit under this Part] ;
  - (b) encourage employers to participate in the provision of education and training within the <sup>F48</sup>Secretary of State's remit under this Part] for persons within section 86(1)(a);
  - (c) encourage employers to contribute to the costs of education and training within the <sup>F48</sup>Secretary of State's remit under this Part] for such persons.
- (2) For the purposes of subsection (1)(b), participating in the provision of training includes participating by entering into—
  - <sup>F49</sup>(a) an approved English apprenticeship, or
  - (b) any contract of employment (other than an approved English apprenticeship agreement) in connection with which training is provided.]

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F47** Words in s. 90(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 12(a)**
- F48** Words in s. 90(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 12(b)**
- F49** S. 90(2)(a)(b) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 20**; [S.I. 2015/994](#), art. 6(a) (with [Sch. Pt. 2](#))

### Modifications etc. (not altering text)

- C29** S. 90 functions made exercisable concurrently (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C30** S. 90 functions made exercisable concurrently (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C31** S. 90 functions made exercisable concurrently (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C32** S. 90 functions made exercisable concurrently (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C33** S. 90 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C34** S. 90 applied (with modifications) (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C35** S. 90 applied (with modifications) (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C36** S. 90 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C37** S. 90 applied (with modifications) (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C38** S. 90 functions made exercisable concurrently (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C39** S. 90 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C40** S. 90 functions made exercisable concurrently (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C41** S. 90 applied (with modifications) (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C42** S. 90 functions made exercisable concurrently (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), **4** (with arts. 1(2), 5)

### Commencement Information

- I6** S. 90 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*

*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

## *The apprenticeship offer*

### **F5091 Duty to secure availability of apprenticeship places**

.....

#### **Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

### **F5092 Election for apprenticeship offer**

.....

#### **Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

### **F5093 Meaning of “apprenticeship place”**

.....

#### **Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

### **F5094 Suitability and availability of apprenticeship places: further provision**

.....

#### **Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

### **F5095 Apprenticeship offer requirements**

.....

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

**F5096 Apprenticeship offer requirements: interpretation**

.....

**Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

**F5097 Suspension of offer**

.....

**Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

**F5098 Power to amend apprenticeship offer**

.....

**Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3

**F5099 Apprenticeship offer: interpretation**

.....

**Textual Amendments**

**F50** Ss. 91-99 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 8](#); S.I. 2012/1087, art. 3



*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## CHAPTER 2

### [<sup>F51</sup>PROVISION OF SERVICES TO OTHER BODIES]

#### Textual Amendments

**F51** Pt. 4 Ch. 2 title substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 31\(c\)](#)

#### *Funding*

### 100 Provision of financial resources

(1) The [<sup>F52</sup>Secretary of State] may secure the provision of financial resources [<sup>F53</sup>under this subsection] to—

- (a) persons providing or proposing to provide education or training within the [<sup>F54</sup>Secretary of State's remit under this Part];
- (b) persons providing or proposing to provide goods or services in connection with the provision by others of such education or training;
- (c) persons receiving or proposing to receive such education or training;
- (d) persons aged 18 receiving or proposing to receive education or training;
- (e) persons making loans to others receiving or proposing to receive education or training;
- <sup>F55</sup>(f) .....
- (g) persons undertaking or proposing to undertake research relating to education or training;
- (h) persons carrying out means tests under arrangements made under section 103;
- <sup>F56</sup>(i) .....
- (j) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).

[<sup>F57</sup>(1A) The Secretary of State may secure the provision of financial resources to any person under this subsection (whether or not the resources could be secured under subsection (1))—

- (a) for the purpose of encouraging the provision of opportunities for individuals to complete [<sup>F58</sup>English statutory apprenticeships ] or to undertake work following the completion of such apprenticeships, or
- (b) otherwise in connection with [<sup>F58</sup>English statutory apprenticeships].]

[<sup>F59</sup>(1B) The Secretary of State may secure the provision of financial resources to any person under this subsection (whether or not the resources could be secured under subsection (1)) in connection with approved technical education qualifications or approved steps towards occupational competence.]

[<sup>F60</sup>(1AA) The Secretary of State may secure the provision of financial resources under this subsection (whether or not the resources could be secured under subsection (1)) to any of the persons mentioned in subsection (1) in respect of functions under this Part that are exercisable by a combined authority by virtue of an order made under section 105A of the Local Democracy, Economic Development and Construction Act 2009.]

<sup>F61</sup>(2) .....

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*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (3) [<sup>F62</sup>The Secretary of State may secure the provision of financial resources under this section—]
- (a) by providing the resources;
  - (b) by making arrangements for the provision of resources by another person;
  - (c) by making arrangements for the provision of resources by persons jointly (whether or not including the [<sup>F63</sup>Secretary of State]).
- (4) [<sup>F64</sup>The Secretary of State may secure the provision of financial resources under this section by reference to—]
- (a) any fees or charges payable by the person receiving or proposing to receive the education or training, or
  - (b) any other matter (such as transport or childcare).
- (5) In [<sup>F65</sup>this section—
- “approved steps towards occupational competence” has the meaning given by section A2DB;
- “approved technical education qualification” has the meaning given by section A2DA;]
- “English statutory apprenticeship” has the same meaning as in section 40A (see subsection (3) of that section).
- [<sup>F66</sup>“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;]

#### Textual Amendments

- F52** Words in s. 100(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\), Sch. 14 para. 13\(2\)\(a\)](#)
- F53** Words in s. 100(1) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\), s. 115\(2\)\(e\), Sch. 1 para. 2\(2\)](#); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F54** Words in s. 100(1)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\), Sch. 14 para. 13\(2\)\(b\)](#)
- F55** S. 100(1)(f) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\), Sch. 14 para. 13\(2\)\(c\)](#)
- F56** S. 100(1)(i) omitted (1.9.2012) by virtue of [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 18 para. 9](#); S.I. 2012/1087, art. 3
- F57** S. 100(1A) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\), s. 115\(2\)\(e\), Sch. 1 para. 2\(3\)](#); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F58** Words in s. 100(1A) substituted (4.7.2016) by [Enterprise Act 2016 \(c. 12\), ss. 27\(a\), 44\(5\)](#); S.I. 2016/695, art. 2(b)
- F59** S. 100(1B) inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\), s. 47\(2\), Sch. 1 para. 29\(2\)](#); S.I. 2019/61, reg. 2(b)
- F60** S. 100(1AA) inserted (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\), arts. 1\(1\), 7\(2\)](#)
- F61** S. 100(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\), Sch. 14 para. 13\(3\)](#)
- F62** Words in s. 100(3) substituted (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\), arts. 1\(1\), 7\(3\)](#)
- F63** Words in s. 100(3)(c) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\), Sch. 14 para. 13\(4\)\(b\)](#)

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*

*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F64** Words in s. 100(4) substituted (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), **7(4)**
- F65** Words in s. 100(5) substituted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), **Sch. 1 para. 29(4)**; S.I. 2019/61, reg. 2(b)
- F66** Words in s. 100(5) inserted (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), **7(5)**

#### **Modifications etc. (not altering text)**

- C43** S. 100 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C44** S. 100 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C45** S. 100 applied (with modifications) (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C46** S. 100 applied (with modifications) (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C47** S. 100 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C48** S. 100 applied (with modifications) (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C49** S. 100 applied (with modifications) (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C50** S. 100(1) functions made exercisable concurrently (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C51** S. 100(1) functions made exercisable concurrently (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C52** S. 100(1) functions made exercisable concurrently (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C53** S. 100(1) functions made exercisable concurrently (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C54** S. 100(1) functions made exercisable concurrently (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C55** S. 100(1) functions made exercisable concurrently (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), **4** (with arts. 1(2), 5)
- C56** S. 100(1) functions made exercisable concurrently (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), **4** (with arts. 1(2), 5)

#### **Commencement Information**

- I7** S. 100 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)

## **101 Financial resources: conditions**

- (1) Financial resources provided [<sup>F67</sup>by the Secretary of State under section 100] may be provided subject to conditions.
- (2) The conditions may [<sup>F68</sup>(among other things) ] include—
- information conditions;
  - [<sup>F69</sup>operational conditions;]

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*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (c) repayment conditions.
- (3) Information conditions are conditions which—
- (a) require the [<sup>F70</sup>Secretary of State] , or a person designated by the [<sup>F70</sup>Secretary of State] , to be given access to a person's accounts and documents and to be given rights in relation to a person's computers and associated apparatus and material, or
  - (b) require a person to whom financial resources are provided to give to the [<sup>F71</sup>Secretary of State] such information as the [<sup>F71</sup>Secretary of State] may request for the purpose of carrying out [<sup>F72</sup>functions under this Part] .
- (4) [<sup>F73</sup>Operational conditions are conditions which require a person providing or proposing to provide education or training (“the provider”) to make arrangements providing for all or any of the matters mentioned in subsection (5).]
- (5) [<sup>F74</sup>The matters are the following—
- (a) the charging of fees by the provider by reference to specified criteria;
  - (b) the making of awards by the provider by reference to specified criteria;
  - (c) the recovery by the provider of amounts from persons receiving education or training or from employers (or from both);
  - (d) the determination of amounts by reference to specified criteria where provision is made under paragraph (c);
  - (e) the operation of specified exemptions where provision is made under paragraph (c);
  - (f) the making by the provider of provision specified in [<sup>F75</sup>an EHC plan or] a report of an assessment under section <sup>F76</sup>... 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).]
- (6) Repayment conditions are conditions which—
- (a) enable the [<sup>F77</sup>Secretary of State] to require the repayment (in whole or part) of sums paid by the [<sup>F77</sup>Secretary of State] if any of the conditions subject to which the sums were paid is not complied with;
  - (b) require the payment of interest in respect of any period in which a sum due to the [<sup>F78</sup>Secretary of State] in accordance with any condition is unpaid.

#### Textual Amendments

- F67** Words in s. 101(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 14\(2\)](#)
- F68** Words in s. 101(2) inserted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 1 para. 3\(2\)\(a\)](#); S.I. 2015/994, art. 6(a) (with [Sch. Pt. 2](#))
- F69** S. 101(2)(b) omitted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 1 para. 3\(2\)\(b\)](#); S.I. 2015/994, art. 6(a) (with [Sch. Pt. 2](#))
- F70** Words in s. 101(3)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 14\(3\)\(a\)](#)
- F71** Words in s. 101(3)(b) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 14\(3\)\(b\)\(i\)](#)
- F72** Words in s. 101(3)(b) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 14\(3\)\(b\)\(ii\)](#)

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*

*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F73** S. 101(4) omitted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 1 para. 3\(3\)](#); S.I. 2015/994, art. 6(a) (with [Sch. Pt. 2](#))
- F74** S. 101(5) omitted (26.3.2015 for specified purposes, 26.5.2015 in so far as not already in force) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 1 para. 3\(3\)](#); S.I. 2015/994, art. 6(a) (with [Sch. Pt. 2](#))
- F75** Words in s. 101(5)(f) inserted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 92\(a\)](#); S.I. 2014/889, art. 7(a)
- F76** Words in s. 101(5)(f) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 92\(b\)](#); S.I. 2014/889, art. 7(a)
- F77** Words in s. 101(6)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 14\(4\)\(a\)](#)
- F78** Words in s. 101(6)(b) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 14\(4\)\(b\)](#)

#### Modifications etc. (not altering text)

- C57** S. 101 applied (with modifications) (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), arts. 1(1), 6, [Sch.](#) (with art. 1(2))
- C58** S. 101 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), arts. 1(1), 6, [Sch.](#) (with art. 1(2))
- C59** S. 101 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), arts. 1(1), 6, [Sch.](#) (with art. 1(2))
- C60** S. 101 applied (with modifications) (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), arts. 1(1), 6, [Sch.](#) (with art. 1(2))
- C61** S. 101 applied (with modifications) (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), arts. 1(1), 6, [Sch.](#) (with art. 1(2))
- C62** S. 101 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), arts. 1(1), 6, [Sch.](#) (with art. 1(2))
- C63** S. 101 applied (with modifications) (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), arts. 1(1), 6, [Sch.](#) (with art. 1(2))

#### Commencement Information

- I8** S. 101 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

## 102 Performance assessments

- (1) The [<sup>F79</sup>Secretary of State] may adopt or develop schemes for the assessment of the performance of persons in providing education or training within the [<sup>F80</sup>Secretary of State's remit under this Part] .
- (2) The [<sup>F81</sup>Secretary of State] may take the assessments into account in deciding how to exercise the powers under section 100.

#### Textual Amendments

- F79** Words in s. 102(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 15\(2\)\(a\)](#)
- F80** Words in s. 102(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 15\(2\)\(b\)](#)
- F81** Words in s. 102(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 15\(3\)](#)



*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I9** S. 102 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

### 103 Means tests

- (1) [<sup>F82</sup>For the purpose of the exercise of the powers under section 100(1)(c), (d) or (e), the Secretary of State] may—
- (a) carry out means tests;
  - (b) arrange for other persons to carry out means tests.

<sup>F83</sup>(2) .....

#### Textual Amendments

**F82** Words in s. 103(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 16\(2\)](#)

**F83** S. 103(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 16\(3\)](#)

#### Modifications etc. (not altering text)

**C64** S. 103 applied (with modifications) (6.11.2018) by [The Greater Manchester Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1141\)](#), [arts. 1\(1\), 6](#), [Sch.](#) (with [art. 1\(2\)](#))

**C65** S. 103 applied (with modifications) (6.11.2018) by [The Liverpool City Region Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1142\)](#), [arts. 1\(1\), 6](#), [Sch.](#) (with [art. 1\(2\)](#))

**C66** S. 103 applied (with modifications) (6.11.2018) by [The West of England Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1143\)](#), [arts. 1\(1\), 6](#), [Sch.](#) (with [art. 1\(2\)](#))

**C67** S. 103 applied (with modifications) (6.11.2018) by [The West Midlands Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1144\)](#), [arts. 1\(1\), 6](#), [Sch.](#) (with [art. 1\(2\)](#))

**C68** S. 103 applied (with modifications) (6.11.2018) by [The Cambridgeshire and Peterborough Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1146\)](#), [arts. 1\(1\), 6](#), [Sch.](#) (with [art. 1\(2\)](#))

**C69** S. 103 applied (with modifications) (6.11.2018) by [The Tees Valley Combined Authority \(Adult Education Functions\) Order 2018 \(S.I. 2018/1145\)](#), [arts. 1\(1\), 6](#), [Sch.](#) (with [art. 1\(2\)](#))

**C70** S. 103 applied (with modifications) (5.11.2019) by [The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority \(Adult Education Functions\) Order 2019 \(S.I. 2019/1457\)](#), [arts. 1\(1\), 6](#), [Sch.](#) (with [art. 1\(2\)](#))

#### Commencement Information

**I10** S. 103 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

### *Apprenticeships: general*

### <sup>F84</sup>104 Assistance and support in relation to apprenticeship places

.....

#### Textual Amendments

**F84** S. 104 repealed (1.9.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 18 para. 10](#); [S.I. 2012/1087](#), [art. 3](#)



*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*

*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## **F85 105 Promoting progression from level 2 to level 3 apprenticeships**

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### **Textual Amendments**

**F85** S. 105 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 1 para. 21](#); [S.I. 2015/994](#), art. 6(a) (with [Sch. Pt. 2](#))

### **Commencement Information**

**I11** S. 105 in force at 6.4.2011 by [S.I. 2011/200](#), [art. 3](#)

## **F86 106 Advice and assistance in relation to apprenticeships**

.....

### **Textual Amendments**

**F86** S. 106 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 18](#)

### *Provision of services and assistance*

## **107 Provision of services**

- (1) The [<sup>F87</sup>Secretary of State] may make arrangements with a permitted recipient for the provision by the [<sup>F87</sup>Secretary of State] of services that are required by the permitted recipient in connection with the exercise of the recipient's functions relating to education or training.
- (2) The services that may be provided under arrangements made under subsection (1) include—
  - (a) providing accommodation and other facilities to a permitted recipient or managing such facilities on behalf of a permitted recipient;
  - (b) procuring, or assisting in procuring, goods and services for use by a permitted recipient.
- (3) The terms and conditions upon which the arrangements are made may include provision for making payments to the [<sup>F88</sup>Secretary of State] in respect of expenditure incurred by the [<sup>F88</sup>Secretary of State] in performing any function under the arrangements.
- (4) In this section “permitted recipient” means—
  - <sup>F89</sup>(a) .....
  - (b) the Welsh Ministers;
  - (c) the Scottish Ministers;
  - (d) a Northern Ireland department;
  - <sup>F90</sup>(e) .....
  - (f) a person, wholly or partly funded from public funds, who has functions relating to education or training;

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- (g) any other person specified, or of a description specified, by order made by the appropriate national authority for the purposes of this section.

<sup>F91</sup>(5) .....

- (6) Before making arrangements under which it may provide services to a permitted recipient who falls within paragraph (a), (e), (f) or (g) of subsection (4) in connection with the exercise of the recipient's functions relating to education or training provided in Wales, Scotland or Northern Ireland, the [<sup>F92</sup>Secretary of State] must obtain—

- (a) in relation to education or training provided in Wales, the consent of the Welsh Ministers;
- (b) in relation to education or training provided in Scotland, the consent of the Scottish Ministers;
- (c) in relation to education or training provided in Northern Ireland, the consent of the Minister for Employment and Learning in Northern Ireland.

- (7) Consent may be given under subsection (5) or (6) in relation to particular arrangements or arrangements of a particular description.

- (8) “The appropriate national authority” means—

- (a) in relation to a person exercising functions relating only to education or training provided in Wales, the Welsh Ministers;
- (b) in relation to a person exercising functions relating only to education or training provided in Scotland, the Scottish Ministers;
- (c) in relation to a person exercising functions relating only to education or training provided in Northern Ireland, the Department for Employment and Learning in Northern Ireland;
- (d) in any other case, the Secretary of State.

**Textual Amendments**

**F87** Words in s. 107(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(2\)](#)

**F88** Words in s. 107(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(2\)](#)

**F89** S. 107(4)(a) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(3\)](#)

**F90** S. 107(4)(e) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 16 para. 47](#); [S.I. 2012/924](#), art. 2

**F91** S. 107(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(4\)](#)

**F92** Words in s. 107(6) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(5\)](#)

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**Commencement Information**

**I12** S. 107 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

<sup>F93</sup>**108 Assistance with respect to employment and training**

.....

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F93** S. 108 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 20](#)

**F94 109 Assistance with respect to employment and training: Northern Ireland**

.....

**Textual Amendments**

**F94** S. 109 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 20](#)

*F95*  
...

**Textual Amendments**

**F95** S. 110 and preceding crossheading omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 21](#)

**F95 110 Research, information and advice**

.....

**F96 111 Power to confer supplementary functions on Chief Executive**

.....

**Textual Amendments**

**F96** S. 111 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 22](#)

**CHAPTER 3**

*F97* ... SUPPLEMENTARY

**Textual Amendments**

**F97** Words in Pt. 4 Ch. 3 title omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 31\(d\)](#)

*Strategies*

**F98 112 Strategies for functions of Chief Executive**

.....

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**  
**F98** Ss. 112-114 repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(3)**, 82(3); S.I. 2012/924, art. 2

<sup>F98</sup> **113**  
.....

**Textual Amendments**  
**F98** Ss. 112-114 repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(3)**, 82(3); S.I. 2012/924, art. 2

<sup>F98</sup> **114 Strategies: duty of Chief Executive**  
.....

**Textual Amendments**  
**F98** Ss. 112-114 repealed (1.4.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 73(3)**, 82(3); S.I. 2012/924, art. 2

*Other*

**115 Persons with [<sup>F99</sup>special educational needs]**

- (1) The [<sup>F100</sup>Secretary of State] must, in performing [<sup>F101</sup>functions under this Part] , have regard to the needs of persons with [<sup>F102</sup>special educational needs] to whom this section applies.
- (2) This section applies to—
  - (a) persons who are aged 19 or over, other than persons aged under 25 [<sup>F103</sup> for whom an EHC plan is maintained ] , and
  - (b) persons who are subject to adult detention.

<sup>F104</sup>(3) .....  
<sup>F105</sup>(4) .....

**Textual Amendments**  
**F99** Words in s. 115 title substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 93(d)**; S.I. 2014/889, art. 7(a)  
**F100** Words in s. 115(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 23(a)**  
**F101** Words in s. 115(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 23(b)**  
**F102** Words in s. 115(1) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 93(a)**; S.I. 2014/889, art. 7(a)  
**F103** Words in s. 115(2)(a) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 3 para. 93(b)**; S.I. 2014/889, art. 7(a)

*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*

*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**F104** S. 115(3) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 93(c)**; S.I. 2014/889, art. 7(a)

**F105** S. 115(4) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 93(c)**; S.I. 2014/889, art. 7(a)

#### Modifications etc. (not altering text)

**C71** S. 115 applied (with modifications) (6.11.2018) by The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1146), arts. 1(1), 6, **Sch.** (with art. 1(2))

**C72** S. 115 applied (with modifications) (6.11.2018) by The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1142), arts. 1(1), 6, **Sch.** (with art. 1(2))

**C73** S. 115 applied (with modifications) (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), 6, **Sch.** (with art. 1(2))

**C74** S. 115 applied (with modifications) (6.11.2018) by The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1145), arts. 1(1), 6, **Sch.** (with art. 1(2))

**C75** S. 115 applied (with modifications) (6.11.2018) by The West of England Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), 6, **Sch.** (with art. 1(2))

**C76** S. 115 applied (with modifications) (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 6, **Sch.** (with art. 1(2))

**C77** S. 115 applied (with modifications) (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), 6, **Sch.** (with art. 1(2))

#### Commencement Information

**I13** S. 115 in force at 1.4.2010 by S.I. 2010/303, art. 3, **Sch. 2** (with arts. 9-11)

## 116 Persons subject to adult detention

The [<sup>F106</sup>Secretary of State] must, in performing [<sup>F107</sup>functions under this Part] , have regard to the needs of persons subject to adult detention.

#### Textual Amendments

**F106** Words in s. 116 substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 24(a)**

**F107** Words in s. 116 substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 24(b)**

#### Commencement Information

**I14** S. 116 in force at 1.4.2010 by S.I. 2010/303, art. 3, **Sch. 2** (with arts. 9-11)

## <sup>F108</sup>117 Use of information by Chief Executive

.....

#### Textual Amendments

**F108** Ss. 117-120 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 25**

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*Status: Point in time view as at 05/11/2019. This version of this part contains provisions that are prospective.*  
*Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 4 is up to date with all changes known to be in force on or before 11 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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## <sup>F108</sup> 118 Guidance

.....

### Textual Amendments

**F108** Ss. 117-120 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 25](#)

## <sup>F108</sup> 118A Directions: consultation

.....

### Textual Amendments

**F108** Ss. 117-120 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 25](#)

## <sup>F108</sup> 119 Directions: funding of qualifications

.....

### Textual Amendments

**F108** Ss. 117-120 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 25](#)

## <sup>F108</sup> 120 Other directions relating to functions of the office

.....

### Textual Amendments

**F108** Ss. 117-120 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 25](#)

## CHAPTER 4

### GENERAL

## <sup>F109</sup> 120A Territorial application of Part

The functions of the Secretary of State under this Part, other than the functions conferred by section 107, are exercisable in relation to England only.]



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### Textual Amendments

**F109** S. 120A inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 26](#)

## 121 Interpretation of Part

(1) In this Part—

<sup>F110</sup>  
...

“apprenticeship training” has the meaning given by section 83;

[<sup>F111</sup>“approved English apprenticeship” has the meaning given by section A1(2);]

[<sup>F112</sup>“approved steps towards occupational competence” has the meaning given by section A2DB;]

[<sup>F112</sup>“approved technical education qualification” has the meaning given by section A2DA;]

<sup>F113</sup>  
...

“organised leisure-time occupation” has the meaning given by section 86.

[<sup>F112</sup>technical education qualification” has the meaning given by section A2DA;]

(2) In this Part a reference to education within [<sup>F114</sup>the Secretary of State's remit under this Part] is a reference to—

(a) education falling within section 86(1)(a) or (b), and

(b) organised leisure-time occupation in connection with such education.

(3) In this Part a reference to training within [<sup>F115</sup>the Secretary of State's remit under this Part] is a reference to—

(a) training falling within section 83(1),

[<sup>F116</sup>(aa) training falling within section 83A(1),]

(b) training falling within section 86(1)(c), and

(c) organised leisure-time occupation in connection with training falling within section 86(1)(c).

(4) For the purposes of this Part a person is subject to adult detention if the person is subject to a detention order and—

(a) aged 19 or over, or

(b) aged under 19 and detained in—

(i) a young offender institution, or part of such an institution, that is used wholly or mainly for the detention of persons aged 18 and over, or

(ii) a prison.

### Textual Amendments

**F110** Words in s. 121(1) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 1 para. 22\(a\)](#); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

**F111** Words in s. 121(1) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), [Sch. 1 para. 22\(b\)](#); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

**F112** Words in s. 121(1) inserted (31.1.2019) by [Technical and Further Education Act 2017 \(c. 19\)](#), s. 47(2), [Sch. 1 para. 30](#); S.I. 2019/61, reg. 2(b)

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- F113** Words in s. 121(1) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 27(2)**
- F114** Words in s. 121(2) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 27(3)**
- F115** Words in s. 121(3) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), **Sch. 14 para. 27(3)**
- F116** S. 121(3)(aa) inserted (1.9.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 18 para. 12**; S.I. 2012/1087, art. 3

#### **Modifications etc. (not altering text)**

- C78** S. 121 applied (with modifications) (6.11.2018) by The Liverpool City Region Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1142), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C79** S. 121 applied (with modifications) (6.11.2018) by The Greater Manchester Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1141), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C80** S. 121 applied (with modifications) (6.11.2018) by The West Midlands Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1144), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C81** S. 121 applied (with modifications) (6.11.2018) by The Cambridgeshire and Peterborough Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1146), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C82** S. 121 applied (with modifications) (6.11.2018) by The Tees Valley Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1145), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C83** S. 121 applied (with modifications) (6.11.2018) by The West of England Combined Authority (Adult Education Functions) Order 2018 (S.I. 2018/1143), arts. 1(1), 6, **Sch.** (with art. 1(2))
- C84** S. 121 applied (with modifications) (5.11.2019) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Adult Education Functions) Order 2019 (S.I. 2019/1457), arts. 1(1), 6, **Sch.** (with art. 1(2))

#### **Commencement Information**

- I15** S. 121 in force at 1.4.2010 by S.I. 2010/303, art. 3, **Sch. 2** (with arts. 9-11)

**Status:**

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**Changes to legislation:**

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