



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

[^{F1}APPRENTICESHIPS AND ADULT EDUCATION
AND TRAINING: ROLE OF SECRETARY OF STATE]

CHAPTER 1

[^{F1}APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING]

Textual Amendments

- F1** Pt. 4 Ch. 1 title substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 31\(b\)](#)

F2 ...

Textual Amendments

- F2** 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](#)

^{F2}**81** **The Chief Executive of Skills Funding**

.....

Status: Point in time view as at 31/03/2021. This version of this chapter contains provisions that are prospective.
Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Chapter 1 is up to date with all changes known to be in force on or before 21 August 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)

F3 ...

Textual Amendments

F3 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](#)

F382 Apprenticeship functions

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

83 [F4Power to secure provision of apprenticeship training]

- (1) The [F5Secretary 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 [F6for 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 [F5Secretary of State] must have regard (in particular) to—
 - (a) the persons' ages, abilities and aptitudes,
 - (b) any [F7special 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 [F5Secretary 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).

F8(4)

- (5) In this Part “apprenticeship training” means training provided in connection with—
 - [F9(a) an approved English apprenticeship, or
 - (b) any contract of service (other than an approved English apprenticeship agreement) or contract of apprenticeship.]

Textual Amendments

F4 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

F5 Words in s. 83(1)-(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 4](#)

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- F6** 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)
- F7** 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)
- F8** 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)
- F9** 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)

[^{F10}83A The apprenticeship offer

- (1) The [^{F11}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 [^{F12}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 [^{F13}25] towards whom a local authority in England has the duties provided for in section 23C [^{F14}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—
- of a quantity sufficient to meet the reasonable needs of individuals, and
 - of a quality adequate to meet those needs.
- (9) Section 83(2) and (3) (when apprenticeship training is suitable, and matters to which [^{F15}Secretary of State] must have regard) apply for the purposes of the apprenticeship offer.

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- F16(10)
- F17(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

F10 Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2)**, 82(3); S.I. 2012/1087, art. 3

F11 Words in s. 83A(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(2)**

F12 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)

F13 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)

F14 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)

F15 Words in s. 83A(9) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(2)**

F16 S. 83A(10) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(3)**

F17 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 [^{F18}Secretary of State] is not required by the apprenticeship offer to secure the provision of facilities for apprenticeship training [^{F19} for 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 ^{F20}(1A) approved English apprenticeship and about the meaning of “approved apprenticeship standard”) apply for the purposes of subsection (1).]

- F21(2)
- F21(3)
- F21(4)
- F21(5)

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Textual Amendments

- F10** Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2)**, 82(3); S.I. 2012/1087, art. 3
- F18** Words in s. 83B(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 6**
- F19** 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)
- F20** 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)
- F21** 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)

^{F23}**84 Arrangements and co-operation with [^{F22}local authorities]**

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Textual Amendments

- F22** 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)**
- F23** S. 84 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 7**

^{F25}**85 [^{F24}Provision of apprenticeship training etc for persons within section 83 or 83A]**

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Textual Amendments

- F24** 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
- F25** 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) [^{F26}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 [^{F27}for whom an EHC plan is maintained] ,
 - (b) education suitable to the requirements of persons who are subject to adult detention, and
 - (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 [^{F28}83A or] 87 applies to the provision of those facilities.

^{F29}(3)

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^{F30}(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.

^{F31}(8)

Textual Amendments

- F26** Words in s. 86(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 9(2)**
- F27** 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)
- F28** 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
- F29** S. 86(3) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 9(3)**
- F30** S. 86(4) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 9(3)**
- F31** 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)
- 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)

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- 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)
- C15** S. 86: transfer of functions (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, **6(1)(a)(2)(3)** (with art. 8)
- C16** Ss. 86-88 applied (with modifications) (28.7.2020) by The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority (Functions and Amendment) Order 2020 (S.I. 2020/806), arts. 1, 9, **Sch. 1**
- C17** Ss. 86-88 applied (with modifications) (E.) (30.1.2021) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), 9, **Sch. 1**
- C18** S. 86: transfer of functions (E.) (with application in accordance with art. 1(5)(6) of the amending S.I.) by The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (S.I. 2021/112), arts. 1(2), **6(1)(a)(2)(3)** (with art. 8)

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) [^{F32}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 [^{F33}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 [^{F34}Secretary of State] to be at a comparable or higher level, and
 - (c) satisfy such conditions as may be specified in regulations.
- ^{F35}(4)
- ^{F36}(5)
- (6) For the purposes of this section—

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“education” includes full-time and part-time education;
“training” includes full-time and part-time training.

Textual Amendments

- F32** Words in s. 87(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 10(2)**
- F33** 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)
- F34** 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)**
- F35** S. 87(4) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 10(4)**
- F36** 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))
- C16** Ss. 86-88 applied (with modifications (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 9, **Sch. 1**
- C17** Ss. 86-88 applied (with modifications) (E.) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), 9, **Sch. 1**
- C19** 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)
- C20** 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)
- C21** 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)
- C22** 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)
- C23** 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)
- C24** 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)

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- C25** 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)
- C26** S. 87: transfer of functions (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, **6(1)(b)(2)(3)** (with art. 8)
- C27** S. 87: transfer of functions (E.) (with application in accordance with art. 1(5)(6) of the amending S.I.) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **6(1)(b)(2)(3)** (with art. 8)

Commencement Information

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

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

- (1) Functions under this Part must be exercised by the [^{F37}Secretary of State] so as to secure that a course of study for a qualification to which [^{F38}paragraph [^{F39}1(a), (b) or (ba)]] 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 [^{F40}Secretary of State] to be at a comparable or higher level, and
 - (c) satisfies such conditions as may be specified in regulations.

[^{F41}(2A) Functions under this Part must be exercised by the [^{F42}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 [^{F43}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 [^{F44}24] ,
 - (b) does not have the qualification in question or one (including one awarded by a person outside England) which appears to the [^{F45}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.

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- (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 [^{F46}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.

Textual Amendments

- F37** Words in s. 88(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 11**
- F38** 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](#)
- F39** Words in s. 88(1) substituted (1.8.2020) by [Digital Economy Act 2017 \(c. 30\)](#), **ss. 114(2)**, 118(6); S.I. 2020/70, [reg. 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))

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- C16** Ss. 86-88 applied (with modifications (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 9, **Sch. 1**
- C17** Ss. 86-88 applied (with modifications) (E.) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), 9, **Sch. 1**
- C28** 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)
- C29** 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)
- C30** 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)
- C31** 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)
- C32** 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)
- C33** 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)
- C34** 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)
- C35** S. 88: transfer of functions (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, **6(1)(c)(2)(3)** (with art. 8)
- C36** S. 88: transfer of functions (E.) (with application in accordance with art. 1(5)(6) of the amending S.I.) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), **6(1)(c)(2)(3)** (with art. 8)

Commencement Information

- I4** 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.

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(6) Part 2 of Schedule 5 makes further provision for the purposes of sections 87 and 88.

Commencement Information

I5 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 ^{F47}Secretary of State] must—

- (a) encourage participation by persons within section 86(1)(a) and (b) in education and training within the ^{F48}Secretary of State's remit under this Part] ;
- (b) encourage employers to participate in the provision of education and training within the ^{F48}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 ^{F48}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—

- ^{F49}(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.]

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)

- C37** 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](#))
- C38** 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](#))
- C39** 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](#))
- C40** 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](#))
- C41** 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\(2\)](#))
- C42** 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\(2\)](#))
- C43** 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\(2\)](#))

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- C44** 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))
- C45** 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))
- C46** 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)
- C47** 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))
- C48** 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)
- C49** 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))
- C50** 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)
- C51** S. 90 functions made exercisable concurrently (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 7(1)(a)(2)(3) (with art. 8)
- C52** S. 90 applied (with modifications) (28.7.2020) by [The Barnsley, Doncaster, Rotherham and Sheffield Combined Authority \(Functions and Amendment\) Order 2020 \(S.I. 2020/806\)](#), arts. 1, 9, **Sch. 1**
- C53** S. 90: functions made exercisable concurrently (E.) (with application in accordance with art. 1(5)(6) of the amending S.I.) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), 7(1)(a)(2)(3) (with art. 8)
- C54** S. 90 applied (with modifications) (E.) (30.1.2021) by [The West Yorkshire Combined Authority \(Election of Mayor and Functions\) Order 2021 \(S.I. 2021/112\)](#), arts. 1(2), 9, **Sch. 1**

Commencement Information

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

PROSPECTIVE

The apprenticeship offer

F5091 Duty to secure availability of apprenticeship places

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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

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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

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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

.....

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

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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

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Status: Point in time view as at 31/03/2021. This version of this chapter contains provisions that are prospective.
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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

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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

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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:

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Changes to legislation:

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