



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 2

[^{F1}PROVISION OF SERVICES TO OTHER BODIES]

Textual Amendments

- F1** 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 [^{F2}Secretary of State] may secure the provision of financial resources [^{F3}under this subsection] to—
- (a) persons providing or proposing to provide education or training within the [^{F4}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;

Status: Point in time view as at 04/07/2016.

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- (e) persons making loans to others receiving or proposing to receive education or training;
 - ^{F5}(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;
 - ^{F6}(i)
 - (j) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).
- ^{F7}(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 [^{F8} English statutory apprenticeships] or to undertake work following the completion of such apprenticeships, or
 - (b) otherwise in connection with [^{F8} English statutory apprenticeships] .]
- ^{F9}(2)
- (3) The [^{F10}Secretary of State] may secure the provision of financial resources under subsection (1) [^{F11}or (1A)] —
- (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 [^{F12}Secretary of State]).
- (4) The [^{F13}Secretary of State] may under subsection (1)(c) [^{F14}or (1A)] secure the provision of financial resources 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).
- ^{F15}(5) In this section “English statutory apprenticeship” has the same meaning as in section 40A (see subsection (3) of that section).]

Textual Amendments

- F2** Words in s. 100(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(2\)\(a\)](#)
- F3** 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](#))
- F4** Words in s. 100(1)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(2\)\(b\)](#)
- F5** S. 100(1)(f) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(2\)\(c\)](#)
- F6** 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
- F7** 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](#))

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- F8** 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)
- F9** S. 100(2) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(3)
- F10** Words in s. 100(3) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(4)(a)
- F11** Words in s. 100(3) 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(4); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F12** 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)
- F13** Words in s. 100(4) substituted (26.5.2015) by Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 13(5)
- F14** Words in s. 100(4) 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(5); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F15** S. 100(5) inserted (4.7.2016) by Enterprise Act 2016 (c. 12), ss. 27(b), 44(5); S.I. 2016/695, art. 2(b)

Commencement Information

- II** 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 [^{F16}by the Secretary of State under section 100] may be provided subject to conditions.
- (2) The conditions may [^{F17}(among other things)] include—
- information conditions;
 - [^{F18}operational conditions;]
 - repayment conditions.
- (3) Information conditions are conditions which—
- require the [^{F19}Secretary of State] , or a person designated by the [^{F19}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
 - require a person to whom financial resources are provided to give to the [^{F20}Secretary of State] such information as the [^{F20}Secretary of State] may request for the purpose of carrying out [^{F21}functions under this Part] .
- (4) [^{F22}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) [^{F23}The matters are the following—
- the charging of fees by the provider by reference to specified criteria;
 - the making of awards by the provider by reference to specified criteria;
 - the recovery by the provider of amounts from persons receiving education or training or from employers (or from both);
 - the determination of amounts by reference to specified criteria where provision is made under paragraph (c);

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- (e) the operation of specified exemptions where provision is made under paragraph (c);
 - (f) the making by the provider of provision specified in [F24 an EHC plan or] a report of an assessment under section F25... 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).]
- (6) Repayment conditions are conditions which—
- (a) enable the [F26 Secretary of State] to require the repayment (in whole or part) of sums paid by the [F26 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 [F27 Secretary of State] in accordance with any condition is unpaid.

Textual Amendments

- F16** Words in s. 101(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\)](#), **Sch. 14 para. 14(2)**
- F17** 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](#))
- F18** 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](#))
- F19** 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)**
- F20** 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)**
- F21** 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)**
- F22** 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](#))
- F23** 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](#))
- F24** 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)
- F25** 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)
- F26** 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)**
- F27** 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)**

Commencement Information

- I2** S. 101 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 04/07/2016.

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102 Performance assessments

- (1) The [^{F28}Secretary of State] may adopt or develop schemes for the assessment of the performance of persons in providing education or training within the [^{F29}Secretary of State's remit under this Part] .
- (2) The [^{F30}Secretary of State] may take the assessments into account in deciding how to exercise the powers under section 100.

Textual Amendments

- F28** Words in s. 102(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 15\(2\)\(a\)](#)
- F29** Words in s. 102(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 15\(2\)\(b\)](#)
- F30** Words in s. 102(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 15\(3\)](#)

Commencement Information

- I3** 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) [^{F31}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.

^{F32}(2)

Textual Amendments

- F31** Words in s. 103(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 16\(2\)](#)
- F32** S. 103(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 16\(3\)](#)

Commencement Information

- I4** S. 103 in force at 1.4.2010 by [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#) (with [arts. 9-11](#))

Apprenticeships: general

^{F33}104 Assistance and support in relation to apprenticeship places

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Textual Amendments

- F33** 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](#)

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F34 105 Promoting progression from level 2 to level 3 apprenticeships

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<p>Textual Amendments</p> <p>F34 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)</p> <hr/> <p>Commencement Information</p> <p>I5 S. 105 in force at 6.4.2011 by S.I. 2011/200, art. 3</p>

F35 106 Advice and assistance in relation to apprenticeships

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<p>Textual Amendments</p> <p>F35 S. 106 omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(3)(g), Sch. 14 para. 18</p>
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Provision of services and assistance

107 Provision of services

- (1) The [^{F36}Secretary of State] may make arrangements with a permitted recipient for the provision by the [^{F36}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 [^{F37}Secretary of State] in respect of expenditure incurred by the [^{F37}Secretary of State] in performing any function under the arrangements.
- (4) In this section “permitted recipient” means—
 - ^{F38}(a)
 - (b) the Welsh Ministers;
 - (c) the Scottish Ministers;
 - (d) a Northern Ireland department;
 - ^{F39}(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.

^{F40}(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 [^{F41}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

- F36** Words in s. 107(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(2\)](#)
- F37** Words in s. 107(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(2\)](#)
- F38** S. 107(4)(a) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(3\)](#)
- F39** 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
- F40** S. 107(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(4\)](#)
- F41** Words in s. 107(6) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 19\(5\)](#)

Commencement Information

- I6** S. 107 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

^{F42}**108 Assistance with respect to employment and training**

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Textual Amendments

F42 S. 108 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 20](#)

^{F43} **109 Assistance with respect to employment and training: Northern Ireland**

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Textual Amendments

F43 S. 109 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 20](#)

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Textual Amendments

F44 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](#)

^{F44} **110 Research, information and advice**

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^{F45} **111 Power to confer supplementary functions on Chief Executive**

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Textual Amendments

F45 S. 111 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 22](#)

Status:

Point in time view as at 04/07/2016.

Changes to legislation:

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