



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]

Funding

100 Provision of financial resources

- (1) The [^{F1}Secretary of State] may secure the provision of financial resources [^{F2}under this subsection] to—
- (a) persons providing or proposing to provide education or training within the [^{F3}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;
 - ^{F4}(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;
 - ^{F5}(i)

Status: Point in time view as at 04/07/2016.

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- (j) persons providing or proposing to provide information, advice or guidance about education or training or connected matters (including employment).

[^{F6}(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 [^{F7} English statutory apprenticeships] or to undertake work following the completion of such apprenticeships, or
- (b) otherwise in connection with [^{F7} English statutory apprenticeships] .]

^{F8}(2)

(3) The [^{F9}Secretary of State] may secure the provision of financial resources under subsection (1) [^{F10}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 [^{F11}Secretary of State]).

(4) The [^{F12}Secretary of State] may under subsection (1)(c) [^{F13}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).

[^{F14}(5) In this section “English statutory apprenticeship” has the same meaning as in section 40A (see subsection (3) of that section).]

Textual Amendments

- F1** Words in s. 100(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(2\)\(a\)](#)
- F2** 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](#))
- F3** Words in s. 100(1)(a) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(2\)\(b\)](#)
- F4** S. 100(1)(f) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(2\)\(c\)](#)
- F5** 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
- F6** 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](#))
- F7** 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)
- F8** S. 100(2) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(3\)](#)
- F9** Words in s. 100(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(4\)\(a\)](#)
- F10** 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](#))

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- F11** Words in s. 100(3)(c) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(4\)\(b\)](#)
- F12** Words in s. 100(4) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 13\(5\)](#)
- F13** 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](#))
- F14** 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

- I1** 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 [^{F15}by the Secretary of State under section 100] may be provided subject to conditions.
- (2) The conditions may [^{F16}(among other things)] include—
- information conditions;
 - [^{F17}operational conditions;]
 - repayment conditions.
- (3) Information conditions are conditions which—
- require the [^{F18}Secretary of State] , or a person designated by the [^{F18}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 [^{F19}Secretary of State] such information as the [^{F19}Secretary of State] may request for the purpose of carrying out [^{F20}functions under this Part] .
- (4) [^{F21}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) [^{F22}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);
 - the operation of specified exemptions where provision is made under paragraph (c);
 - the making by the provider of provision specified in [^{F23}an EHC plan or] a report of an assessment under section ^{F24}... 140 of the Learning and Skills Act 2000 (c. 21) (assessments relating to learning difficulties).]
- (6) Repayment conditions are conditions which—
- enable the [^{F25}Secretary of State] to require the repayment (in whole or part) of sums paid by the [^{F25}Secretary of State] if any of the conditions subject to which the sums were paid is not complied with;

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- (b) require the payment of interest in respect of any period in which a sum due to the [F26Secretary of State] in accordance with any condition is unpaid.

Textual Amendments

- F15** Words in s. 101(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 14(2)**
- F16** 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](#))
- F17** 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](#))
- F18** 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)**
- F19** 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)**
- 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)(ii)**
- F21** 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](#))
- F22** 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](#))
- F23** 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)
- F24** 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)
- F25** 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)**
- F26** 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)

102 Performance assessments

- (1) The [F27Secretary of State] may adopt or develop schemes for the assessment of the performance of persons in providing education or training within the [F28Secretary of State's remit under this Part] .
- (2) The [F29Secretary of State] may take the assessments into account in deciding how to exercise the powers under section 100.

Textual Amendments

- F27** 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)**
- 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)(b)**

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F29 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) [^{F30}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.

^{F31}(2)

Textual Amendments

F30 Words in s. 103(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 16\(2\)](#)

F31 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)

Status:

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Changes to legislation:

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