



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

THE CHIEF EXECUTIVE OF SKILLS FUNDING

CHAPTER 3

CHIEF EXECUTIVE'S FUNCTIONS: SUPPLEMENTARY

Strategies

114 Strategies: duty of Chief Executive

- (1) The Chief Executive must carry out any function to which a strategy under section 112 or 113 relates in accordance with that strategy.
- (2) Subsection (1) is subject to the following provisions of this section.
- (3) The Chief Executive may not carry out a function in accordance with such a strategy if doing so would entail failing to comply with a duty imposed on the Chief Executive by any provision made by or under any Act (other than subsection (1)).
- (4) If provision in a strategy under section 112 conflicts with provision in another strategy under section 112 or 113, the Chief Executive may disregard such conflicting provision in one of the strategies or in both of them.
- (5) The Chief Executive may disregard a strategy under section 112 or 113 if the body whose strategy it is, in formulating or reviewing the strategy—
 - (a) failed to comply with directions given under section 112(4) or (as the case may be) section 113(4), or

Status: This is the original version (as it was originally enacted).

- (b) failed to have regard to guidance given under section 112(4) or (as the case may be) section 113(4).
- (6) Nothing in subsection (1) requires the Chief Executive to carry out any functions of the office in a manner that the Chief Executive is satisfied—
 - (a) would be unreasonable, or
 - (b) might give rise to disproportionate expenditure.
- (7) If the Chief Executive proposes not to carry out, or does not carry out, a function to which a strategy under section 112 or 113 relates in accordance with the strategy—
 - (a) the Chief Executive must refer the matter to the Secretary of State;
 - (b) the body whose strategy it is may refer the matter to the Secretary of State.
- (8) On a reference under subsection (7) the Secretary of State may give such direction to the Chief Executive as the Secretary of State thinks fit as to the carrying out of the function.