



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 2

FUNCTIONS IN RELATION TO QUALIFICATIONS

Recognised bodies: monitoring and enforcement

153 Qualifications regulatory framework

- (1) Ofqual must prepare and publish—
 - (a) a statement of how Ofqual intends to perform the monitoring and enforcement functions, and
 - (b) guidance to recognised bodies in relation to the award and authentication of qualifications in respect of which they are recognised.
- (2) The statement and guidance mentioned in subsection (1) are together referred to in this section as “the qualifications regulatory framework”.
- (3) Guidance under subsection (1)(b) must include guidance for the purpose of helping to determine whether or not behaviour complies with the general conditions to which a recognition is subject (see section 134).
- (4) The guidance may in particular specify—
 - (a) descriptions of behaviour which Ofqual considers complies with a general condition;

***Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Section 153 is up to date with all changes known to be in force on or before 10 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) View outstanding changes*

- (b) descriptions of behaviour which Ofqual considers does not comply with a general condition;
 - (c) factors which Ofqual will take into account in determining whether or not a recognised body's behaviour complies with a general condition.
- (5) Ofqual—
- (a) may revise the qualifications regulatory framework, and
 - (b) if it does so, must publish the revised version.
- (6) Before publishing the qualifications regulatory framework or a revised version of it, Ofqual must consult such persons as it considers appropriate.
- (7) A recognised body must have regard to guidance under subsection (1)(b) in awarding or authenticating a qualification in respect of which it is recognised.
- (8) In subsection (1) “the monitoring and enforcement functions” means—
- (a) Ofqual's power under section 132(3)(d) (power to impose other conditions);
 - (b) Ofqual's functions under sections 132(4) and 134 (functions in relation to general conditions);
 - (c) Ofqual's functions under an entry and inspection condition to which a recognition is subject (see section 135);
 - (d) Ofqual's functions under section 138(1) (power to determine that a qualification is subject to the accreditation requirement);
 - (e) Ofqual's functions under sections 149 to [F1152C] .

Textual Amendments

F1 Word in s. 153(8)(e) substituted (1.5.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 23(6)**, 82(3); [S.I. 2012/924](#), **art. 3**

Commencement Information

I1 S. 153 in force at 1.4.2010 by [S.I. 2010/1151](#), **art. 2**, **Sch. 1**

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6