

SCHEDULES

SCHEDULE 16

ABOLITION OF THE YPLA: CONSEQUENTIAL AMENDMENTS

Employment Act 1988 (c. 19)

7 In section 26 of the Employment Act 1988 (status of trainees etc), for subsection (1A) substitute—

“(1A) The Secretary of State may make an order under subsection (1B) where it appears to the Secretary of State that provision has been made for trainees to receive payments—

- (a) from the Secretary of State under section 14 of the Education Act 2002,
- (b) from the Chief Executive of Skills Funding under section 100(1)(c) or (d) of the Apprenticeships, Skills, Children and Learning Act 2009, or
- (c) from the Welsh Ministers under section 34(1)(c) of the Learning and Skills Act 2000.

(1B) An order under this subsection may provide—

- (a) that the trainees are, for the purposes and in the cases specified or described in or determined under the order, to be treated in respect of the training as being or as not being employed;
- (b) that where the trainees are treated as being employed they are to be treated as being the employees of the persons so specified, described or determined and of no others;
- (c) that where the trainees are treated as not being employed, they are to be treated in such other manner as may be so specified, described or determined; and
- (d) that the payments are to be treated for the purposes of such enactments and subordinate legislation as may be so specified, described or determined in such manner as may be so specified, described or determined.

For the purposes of subsection (1A) and this subsection, trainees are persons receiving or proposing to receive training.”