

Status: This version of this provision is prospective.

Changes to legislation: Skills and Post-16 Education Act 2022, Section 19 is up to date with all changes known to be in force on or before 30 May 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



Skills and Post-16 Education Act 2022

2022 CHAPTER 21

PART 3 **E+W**

PROTECTION FOR LEARNERS

CHAPTER 1 **E+W**

REGULATION OF POST-16 EDUCATION OR TRAINING PROVIDERS

Funding arrangements with post-16 education or training providers

PROSPECTIVE

19 List of relevant providers **E+W**

- (1) The Secretary of State may by regulations make provision—
- (a) for the Secretary of State to keep a list of relevant providers in respect of relevant education or training who meet conditions specified in the regulations for being on the list in respect of that education or training;
 - (b) in connection with the keeping of the list.
- (2) “Relevant provider” means a post-16 education or training provider who is not—
- (a) a school;
 - (b) a 16 to 19 Academy;
 - (c) an institution within the further education sector;
 - (d) a registered higher education provider who provides only higher education;
 - (e) the responsible body for an institution within any of paragraphs (a) to (d) when acting in its capacity as such;
 - (f) a local authority in England;
 - (g) a combined authority;

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- (h) the Greater London Authority.
- (3) “Relevant education or training” means education or training that falls within one or more of the following paragraphs—
- (a) further education;
 - (b) education or training provided by means of a further education course, or a module of a further education course, designated for the purposes of section 22 of the Teaching and Higher Education Act 1998;
 - (c) training for persons over compulsory school age which is funded by the Secretary of State under section 2 of the Employment and Training Act 1973;
 - (d) education or training for persons over compulsory school age provided as part of an approved technical education qualification or approved steps towards occupational competence;
 - (e) training for persons over compulsory school age provided in connection with an English statutory apprenticeship.
- (4) The Secretary of State may by regulations amend subsection (3) so as to add, vary or remove a category of education or training.
- (5) A condition may be specified in regulations under subsection (1)(a) only where the Secretary of State considers that specifying the condition in relation to a relevant provider may assist in preventing, or mitigating the adverse effects of, a disorderly cessation in the provision of education or training by the relevant provider.
- (6) Regulations under subsection (1) may—
- (a) specify different conditions in relation to different descriptions of relevant education or training;
 - (b) provide for a relevant provider to be on the list only in respect of one or more descriptions of relevant education or training;
 - (c) confer functions (including functions involving the exercise of a discretion) on the Secretary of State or any other person.
- (7) The conditions that may be specified include conditions—
- (a) relating to the relevant provider having a student support plan and making it available;
 - (b) relating to the relevant provider having insurance cover;
 - (c) for ensuring that persons having general control and management of, or legal responsibility and accountability for, the relevant provider are fit and proper persons to be involved in that activity;
 - (d) relating to the relevant provider giving access to, or providing, information (including information about persons for whom the relevant provider is, or has been, providing relevant education or training) to the Secretary of State;
 - (e) relating to the relevant provider taking action specified in directions given by the Secretary of State.
- (8) For the purposes of subsection (7)(a), a “student support plan” means a plan for supporting students in the event of a cessation in the provision of education or training.
- (9) Different conditions may be specified—
- (a) for being added to, or remaining on, the list;
 - (b) for different descriptions of relevant provider.
- (10) Regulations under subsection (1)(b) may, among other things, make provision—

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- (a) for the charging of fees in connection with entries on the list;
 - (b) about the procedure for applications to be added to, or remain on, the list;
 - (c) about the removal of entries from, or the restoration of entries to, the list;
 - (d) about appeals against decisions relating to the list;
 - (e) permitting or requiring the disclosure of information;
 - (f) about publication of the list.
- (11) The provision mentioned in subsection (10)(e) includes provision about information relating to—
- (a) persons for whom relevant education or training is or has been provided;
 - (b) persons having general control and management of, or legal responsibility and accountability for, a relevant provider.

Commencement Information

- II** S. 19 not in force at Royal Assent, see [s. 36\(3\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 19(2)(ga) inserted by [2023 c. 55 Sch. 4 para. 222](#)
- s. 20(7)(ca) inserted by [2023 c. 55 Sch. 4 para. 223](#)