

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Order amends the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010 by revoking the commencement of section 40 and Schedule 1 in relation to small employers and their employees, due to come into force on 6th April 2011.

Section 40 inserted a new Part 6A (sections 63D to 63K) and two new sections (47F and 104E) into the Employment Rights Act 1996. These new sections introduced a right for qualifying employees to make an application to their employers in relation to study and training. Schedule 1 made amendments to other legislation which were consequential on this right. These provisions were brought into force for all purposes except in relation to small employers and their employees on 6 April 2010. “Small employers” are employers who employ less than 250 employees.

The effect of the Order is that these provisions will not be come into force on 6 April 2011 in relation to small employers and their employees.