



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 1

APPRENTICESHIPS, STUDY AND TRAINING

CHAPTER 1

APPRENTICESHIPS

Specification of apprenticeship standards: Wales

28 Specification of apprenticeship standards for Wales

- (1) The Welsh Ministers may prepare a draft specification of apprenticeship standards.
- (2) In preparing the draft, the Welsh Ministers must consult such persons as they think appropriate.
- (3) Having prepared a draft, the Welsh Ministers may by order provide that a specification of apprenticeship standards (“the specification of apprenticeship standards for Wales”) is to have effect—
 - (a) in the form of the draft, or
 - (b) in that form with such modifications as the Welsh Ministers think appropriate.
- (4) Subsection (2) does not apply in relation to the first draft specification to be prepared by the Welsh Ministers after the commencement of this section.
- (5) The Welsh Ministers may not make an order under subsection (3) unless satisfied that the specification of apprenticeship standards given effect to by the order complies with section 31.

- (6) The power conferred by subsection (3) is to be exercised so as to secure that at any time only one specification of apprenticeship standards has effect as the specification of apprenticeship standards for Wales.

29 Modification: Wales

- (1) The Welsh Ministers may by order provide that the specification of apprenticeship standards for Wales is to have effect subject to modifications specified in the order.
- (2) The Welsh Ministers may not make an order under this section unless satisfied that the specification, as so modified, complies with section 31.

30 Replacement or modification: recognised Welsh frameworks

- (1) Subject to subsection (2), a recognised Welsh framework does not cease to be a recognised Welsh framework if, by virtue of an order under section 28 or 29, it ceases to meet the requirements specified for frameworks of its description by the specification of apprenticeship standards for Wales.
- (2) An order under section 28 may provide for an apprenticeship framework which—
- (a) immediately before the making of the order is a recognised Welsh framework, but
 - (b) does not meet the requirements specified for frameworks of its description by the specification of apprenticeship standards for Wales to which the order gives effect,
- to cease to have effect as a recognised Welsh framework.

31 Contents of specification of apprenticeship standards for Wales

- (1) The specification of apprenticeship standards for Wales—
- (a) must specify requirements to be met by recognised Welsh frameworks,
 - (b) may specify different requirements in relation to recognised Welsh frameworks at different levels.
- (2) The requirements specified by the specification of apprenticeship standards for Wales must include—
- (a) requirements as to Welsh certificate requirements, including requirements as to standards of attainment to be required by them,
 - (b) requirements for a recognised Welsh framework to include, as a Welsh certificate requirement, the requirement that an apprenticeship certificate relating to the framework may be issued to a person only if the person has received both on-the-job training and off-the-job training, and
 - (c) requirements for a recognised Welsh framework to—
 - (i) include, as a Welsh certificate requirement, the requirement that one or more qualifications be held,
 - (ii) include, as a Welsh certificate requirement, the requirement that the qualification, or the qualifications taken together, demonstrate the relevant occupational competencies and the relevant technical knowledge, and

- (iii) identify the qualification that demonstrates the relevant occupational competencies as the competencies qualification in relation to the framework.
- (3) Requirements as to standards of attainment may be specified by reference, in particular, to descriptions of qualifications or training.
- (4) In this section—
 - “off-the-job training” in relation to a recognised Welsh framework, is training which—
 - (a) is received for the purposes of the skill, trade or occupation to which the framework relates, and
 - (b) is not on-the-job training;
 - “on-the-job training” in relation to a recognised Welsh framework, is training received in the course of carrying on the skill, trade or occupation to which the framework relates;
 - “the relevant occupational competencies”, in relation to a recognised Welsh framework, means the competencies required to perform the skill, trade or occupation to which the framework relates at the level required in the framework;
 - “the relevant technical knowledge”, in relation to a recognised Welsh framework, means the technical knowledge required to perform the skill, trade or occupation to which the framework relates at the level required in the framework;
 - “Welsh certificate requirement” means a requirement specified in a recognised Welsh framework for the purpose of the issue of apprenticeship certificates relating to that framework by the Welsh certifying authority.