



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

[^{F1}APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING: ROLE OF SECRETARY OF STATE]

CHAPTER 1

[^{F1}APPRENTICESHIPS AND ADULT EDUCATION AND TRAINING]

Apprenticeship training for persons aged 16 to 18 and certain young adults

83 [^{F1}Power to secure provision of apprenticeship training]

- (1) The [^{F2}Secretary of State] may secure the provision of facilities for suitable apprenticeship training for persons—
 - (a) who are over compulsory school age but under 19, or
 - (b) who are aged 19 or over but under 25 and [^{F3}for whom an EHC plan is maintained] .
- (2) In deciding for the purposes of subsection (1) whether apprenticeship training is suitable for persons for whom facilities are provided, the [^{F2}Secretary of State] must have regard (in particular) to—
 - (a) the persons' ages, abilities and aptitudes,
 - (b) any [^{F4}special educational needs] the persons may have,
 - (c) the quality of the training,
 - (d) the locations and times at which the training is provided.
- (3) In exercising the power conferred by subsection (1), the [^{F2}Secretary of State] must have regard (in particular) to the desirability of—

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- (a) encouraging diversity of apprenticeship training available to persons;
- (b) increasing opportunities for persons to exercise choice;
- (c) enabling persons to whom Part 1 of the Education and Skills Act 2008 (c. 25) applies to fulfil the duty imposed by section 2 of that Act (duty to participate in education or training).

^{F5}(4)

- (5) In this Part “apprenticeship training” means training provided in connection with—
 - ^{F6}(a) an approved English apprenticeship, or
 - (b) any contract of service (other than an approved English apprenticeship agreement) or contract of apprenticeship.]

Textual Amendments

- F1** S. 83 heading substituted (1.9.2012) by [Education Act 2011 \(c. 21\), s. 82\(3\), Sch. 18 para. 5](#); S.I. 2012/1087, art. 3
- F2** Words in s. 83(1)-(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(3\)\(g\), Sch. 14 para. 4](#)
- F3** Words in s. 83(1)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 89\(a\)](#); S.I. 2014/889, art. 7(a)
- F4** Words in s. 83(2)(b) substituted (1.9.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 89\(b\)](#); S.I. 2014/889, art. 7(a)
- F5** S. 83(4) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 3 para. 89\(c\)](#); S.I. 2014/889, art. 7(a)
- F6** S. 83(5)(a)(b) substituted for s. 83(5)(a)-(c) (26.5.2015) by [Deregulation Act 2015 \(c. 20\), s. 115\(7\), Sch. 1 para. 17](#); S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

Commencement Information

- I1** S. 83 in force at 1.4.2010 by [S.I. 2010/303, art. 3, Sch. 2](#) (with arts. 9-11)

^{F7}83A The apprenticeship offer

- (1) The ^{F8}Secretary of State] must secure the provision of proper facilities for apprenticeship training that is suitable to the requirements of persons who—
 - (a) are within subsection (4), (5) or (6), and
 - (b) have an apprenticeship opportunity.

This is subject to section 83B (limit on scope of apprenticeship offer).

- (2) The duty imposed by subsection (1) is referred to in this section and section 83B as “the apprenticeship offer”.
- (3) An apprenticeship opportunity is an ^{F9}opportunity to enter into an approved English apprenticeship.]
- (4) A person within this subsection is one who is over compulsory school age but under 19.
- (5) A person within this subsection is one who is not within subsection (4) and—
 - (a) is a person aged under ^{F10}25] towards whom a local authority in England has the duties provided for in section 23C ^{F11}or 23CZB] of the Children Act 1989 (continuing functions in relation to certain formerly looked after children), or

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- (b) is a person to whom section 23CA of that Act applies (further assistance for certain formerly looked after children aged under 25), in relation to whom a local authority in England is the responsible local authority (within the meaning of that section).
- (6) A person within this subsection is one who—
 - (a) is not within subsection (4), and
 - (b) is of a prescribed description.
- (7) If regulations under subsection (6)(b) describe a person by reference to an age or an age range, the age, or the upper age of the age range, must be less than 25.
- (8) Facilities are proper if they are—
 - (a) of a quantity sufficient to meet the reasonable needs of individuals, and
 - (b) of a quality adequate to meet those needs.
- (9) Section 83(2) and (3) (when apprenticeship training is suitable, and matters to which [F12Secretary of State] must have regard) apply for the purposes of the apprenticeship offer.
- F13(10)
- F14(11)
- (12) The Secretary of State may by order amend this section for the purpose of changing the descriptions of persons to whom the apprenticeship offer applies.

Textual Amendments

- F7 Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2)**, 82(3); S.I. 2012/1087, art. 3
- F8 Words in s. 83A(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(2)**
- F9 Words in s. 83A(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 18(a)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F10 Word in s. 83A(5)(a) substituted (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(2), **Sch. 2 para. 6(a)**; S.I. 2018/346, reg. 4(aa)
- F11 Words in s. 83A(5)(a) inserted (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\)](#), s. 70(2), **Sch. 2 para. 6(b)**; S.I. 2018/346, reg. 4(aa)
- F12 Words in s. 83A(9) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(2)**
- F13 S. 83A(10) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 5(3)**
- F14 S. 83A(11) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 18(b)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

83B Limit on scope of the apprenticeship offer

- (1) The [F15Secretary of State] is not required by the apprenticeship offer to secure the provision of facilities for apprenticeship training [F16for the purpose of assisting a person to achieve a particular approved apprenticeship standard if the person—
 - (a) has already completed an approved English apprenticeship by achieving that standard,

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- (b) has already completed an approved English apprenticeship by achieving another standard and, in doing so, appears to the Secretary of State to have demonstrated a comparable level of achievement (whether or not in the same sector of work), or
- (c) has worked under another arrangement and, in doing so, appears to the Secretary of State to have demonstrated a comparable level of achievement (whether or not in the same sector of work).]

[Section A1(6) and (7) (which make provision about when a person completes an ^{F17}(1A) approved English apprenticeship and about the meaning of “approved apprenticeship standard”) apply for the purposes of subsection (1).]

^{F18}(2)

^{F18}(3)

^{F18}(4)

^{F18}(5)]

Textual Amendments

- F7** Ss. 83A, 83B inserted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 69(2)**, 82(3); S.I. 2012/1087, art. 3
- F15** Words in s. 83B(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 6**
- F16** Words in s. 83B(1) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 19(2)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F17** S. 83B(1A) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 19(3)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)
- F18** Ss. 83B(2)-(5) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(7), **Sch. 1 para. 19(4)**; S.I. 2015/994, art. 6(a) (with Sch. Pt. 2)

^{F20}**84 Arrangements and co-operation with ^{F19}local authorities]**

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Textual Amendments

- F19** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 16(3)**
- F20** S. 84 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 7**

^{F22}**85 [^{F21}Provision of apprenticeship training etc for persons within section 83 or 83A]**

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Textual Amendments

- F21** S. 85 heading substituted (1.9.2012) by [Education Act 2011 \(c. 21\)](#), **ss. 70(2)(d)**, 82(3); S.I. 2012/1087, art. 3
- F22** S. 85 omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), **Sch. 14 para. 8**

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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