



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

THE CHIEF EXECUTIVE OF SKILLS FUNDING

CHAPTER 3

CHIEF EXECUTIVE'S FUNCTIONS: SUPPLEMENTARY

Strategies

112 Strategies for functions of Chief Executive

- (1) The Secretary of State may by order specify an area in England as an area for which a body specified in the order (“a specified body”) may formulate and keep under review a strategy setting out how such functions of the Chief Executive as are specified in the order are to be carried out in relation to the area.
- (2) An order under subsection (1) may specify an area comprising the whole of England.
- (3) An order under subsection (1) may not specify an area in England consisting only of Greater London or a part of Greater London.
- (4) The Secretary of State may give directions and guidance to a specified body in relation to the formulation and review of its strategy, in particular in relation to—
 - (a) the form and content of the strategy;
 - (b) the updating of the strategy;
 - (c) the steps to be taken when the body is formulating or reviewing the strategy;
 - (d) the matters to which the body is to have regard when formulating or reviewing the strategy;

Status: This is the original version (as it was originally enacted).

- (e) the consultation to be carried out when the body is formulating or reviewing the strategy.
- (5) A specified body must—
 - (a) comply with any directions given to it under subsection (4), and
 - (b) have regard to any guidance given to it under that subsection.
- (6) The Chief Executive may pay to a specified body such sums as appear to the Chief Executive appropriate for enabling the body to meet costs and expenses incurred, or to be incurred, by it in formulating its strategy or keeping it under review.

113 Strategy for functions of Chief Executive: Greater London

- (1) Regulations must provide for the establishment of a body (“the London body”) for the purposes of this section.
- (2) The London body must—
 - (a) formulate a strategy setting out how specified functions of the Chief Executive are to be carried out in Greater London, and
 - (b) keep it under review.
- (3) Specified functions are functions of the Chief Executive specified for the purposes of this section by order of the Secretary of State.
- (4) The Secretary of State may give directions and guidance to the London body in relation to the formulation and review of its strategy, in particular in relation to—
 - (a) the form and content of the strategy;
 - (b) the updating of the strategy;
 - (c) the steps to be taken when the body is formulating or reviewing the strategy;
 - (d) the matters to which the body is to have regard when formulating or reviewing the strategy;
 - (e) the consultation to be carried out when the body is formulating or reviewing the strategy.
- (5) The London body must—
 - (a) comply with any directions given to it under subsection (4), and
 - (b) have regard to any guidance given to it under that subsection.
- (6) Where the London body formulates a strategy under this section, or in consequence of a review of the strategy modifies it, the body must publish the strategy or modified strategy in such manner as it thinks fit.
- (7) Regulations under this section must include—
 - (a) provision for the London body to consist of the Mayor of London and such other persons as are appointed by the Mayor in accordance with the regulations;
 - (b) provision for the Mayor to be the chairman of the body.
- (8) The Chief Executive may pay to the London body such sums as appear to the Chief Executive appropriate for enabling the body to meet costs and expenses incurred, or to be incurred, by it in formulating its strategy or keeping it under review.
- (9) The Chief Executive may pay to the Greater London Authority such sums as appear to the Chief Executive appropriate for enabling the Authority to meet costs and expenses

incurred, or to be incurred, by the Mayor in connection with the exercise of functions conferred on him by regulations under this section or as chairman of the London body.

114 Strategies: duty of Chief Executive

- (1) The Chief Executive must carry out any function to which a strategy under section 112 or 113 relates in accordance with that strategy.
- (2) Subsection (1) is subject to the following provisions of this section.
- (3) The Chief Executive may not carry out a function in accordance with such a strategy if doing so would entail failing to comply with a duty imposed on the Chief Executive by any provision made by or under any Act (other than subsection (1)).
- (4) If provision in a strategy under section 112 conflicts with provision in another strategy under section 112 or 113, the Chief Executive may disregard such conflicting provision in one of the strategies or in both of them.
- (5) The Chief Executive may disregard a strategy under section 112 or 113 if the body whose strategy it is, in formulating or reviewing the strategy—
 - (a) failed to comply with directions given under section 112(4) or (as the case may be) section 113(4), or
 - (b) failed to have regard to guidance given under section 112(4) or (as the case may be) section 113(4).
- (6) Nothing in subsection (1) requires the Chief Executive to carry out any functions of the office in a manner that the Chief Executive is satisfied—
 - (a) would be unreasonable, or
 - (b) might give rise to disproportionate expenditure.
- (7) If the Chief Executive proposes not to carry out, or does not carry out, a function to which a strategy under section 112 or 113 relates in accordance with the strategy—
 - (a) the Chief Executive must refer the matter to the Secretary of State;
 - (b) the body whose strategy it is may refer the matter to the Secretary of State.
- (8) On a reference under subsection (7) the Secretary of State may give such direction to the Chief Executive as the Secretary of State thinks fit as to the carrying out of the function.