



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 2

FUNCTIONS IN RELATION TO QUALIFICATIONS

Accreditation of certain qualifications

138 Qualifications subject to the accreditation requirement

(1) Ofqual may determine that a specified qualification, or description of qualification, to which this Part applies is subject to the accreditation requirement.

[^{F1}(1A) But Ofqual may not make a determination under subsection (1) in relation to a technical education qualification if—

- (a) the qualification is an approved technical education qualification, or
- (b) the Institute—

- (i) has notified Ofqual that the Institute is considering whether or not to approve the qualification as an approved technical education qualification, and

- (ii) has not notified Ofqual of its decision.]

(2) A determination under subsection (1) may provide that a qualification or description of qualification is subject to the accreditation requirement—

- (a) for all purposes, or
- (b) for the purposes of award or authentication by a specified awarding body.

Changes to legislation: *Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Accreditation of certain qualifications is up to date with all changes known to be in force on or before 19 March 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*

- (3) Ofqual must publish a determination falling within subsection (2)(a).
- (4) Ofqual may revise a determination made under subsection (1).
- (5) If Ofqual revises a determination falling within subsection (2)(a) it must publish the determination as revised.
- (6) Before making or revising a determination under subsection (1) Ofqual must—
- (a) if the determination falls within subsection (2)(a), consult such persons as it considers appropriate, and
 - (b) if the determination falls within subsection (2)(b), consult the awarding body in question.
- [^{F2}(7) Where the Institute has notified Ofqual under subsection (1A)(b)(i) that it is considering whether or not to approve the qualification, it must also notify Ofqual of its decision.
- (8) In this section—
- “the Institute” means the Institute for Apprenticeships and Technical Education;
- “approved technical education qualification” and “technical education qualification” have the meanings given by section [A12\(1\)](#).]

Textual Amendments

- F1** S. 138(1A) inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 10(a)**, 36(3); S.I. 2022/965, reg. 3(5) (with regs. 4, 5)
- F2** S. 138(7)(8) inserted (30.9.2022) by [Skills and Post-16 Education Act 2022 \(c. 21\)](#), **ss. 10(b)**, 36(3); S.I. 2022/965, reg. 3(5) (with regs. 4, 5)

Commencement Information

- I1** S. 138 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, **Sch. 1**

139 Accreditation

- (1) Where a qualification is subject to the accreditation requirement Ofqual must accredit a particular form of the qualification if—
- (a) that form of the qualification has been submitted for accreditation by a recognised body which is recognised in respect of the qualification, and
 - (b) that form of the qualification meets the applicable criteria for accreditation most recently published under section 140.
- (2) Ofqual may not accredit a form of a qualification if the requirements set out in paragraphs (a) and (b) of subsection (1) are not met in respect of that form of the qualification.
- (3) An accreditation under this section has effect from such date as Ofqual may specify.
- (4) Ofqual may not charge a recognised body in respect of accreditation under this section.
- (5) If Ofqual refuses an application for accreditation it must provide the recognised body with a statement setting out the reasons for its decision.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Accreditation of certain qualifications is up to date with all changes known to be in force on or before 19 March 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

Commencement Information

I2 S. 139 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

140 Criteria for accreditation

- (1) Ofqual must set and publish the criteria for accreditation under section 139.
- (2) Different criteria may be set for the accreditation of different qualifications or different descriptions of qualifications.
- (3) Ofqual may revise the criteria.
- (4) If Ofqual revises the criteria it must publish them as revised.
- (5) Before setting or revising the criteria Ofqual must consult such persons as it considers appropriate.
- (6) If Ofqual revises the criteria under this section which are applicable to a form of a qualification which is accredited under section 139, the accreditation ceases to have effect on the date specified by Ofqual.
- (7) Ofqual may vary the date specified under subsection (6) at any time before the date.
- (8) Ofqual may determine that subsection (6) does not apply in relation to a specified revision.
- (9) Ofqual must publish a determination made under subsection (8).
- (10) Ofqual may make saving or transitional provision in connection with the accreditation of a form of a qualification ceasing to have effect under subsection (6).

Commencement Information

I3 S. 140 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Accreditation of certain qualifications is up to date with all changes known to be in force on or before 19 March 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.

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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