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**Changes to legislation:** Apprenticeships, Skills, Children and Learning Act 2009, Part 2 is up to date with all changes known to be in force on or before 29 February 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

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## SCHEDULES

### SCHEDULE 5

#### LEARNING AIMS FOR PERSONS AGED 19 OR OVER

##### PART 2

##### POWER TO SPECIFY

###### *Power to specify*

- 3 (1) In paragraphs 1 and 2, a reference to a specified qualification is to a regulated qualification which is specified, or which is of a description specified, in regulations.
- (2) The regulations may specify qualifications, or descriptions of qualifications, by reference to an assessment made by the [<sup>F1</sup>Secretary of State] of the level of attainment demonstrated by a qualification; and for that purpose the regulations may confer functions (which may include the exercise of a discretion) on the [<sup>F1</sup>Secretary of State] .
- (3) The regulations may make provision which applies subject to exceptions specified in the regulations.
- (4) In sub-paragraph (1) “regulated qualification” has the meaning given by section 130.

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##### **Textual Amendments**

- F1** Words in Sch. 5 para. 3(2) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 30\(a\)](#)

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##### **Commencement Information**

- I1** Sch. 5 para. 3 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

###### *Power to specify qualification in literacy*

- 4 The level of attainment in literacy demonstrated by a specified qualification in literacy must be the level which, in the opinion of the Secretary of State, is the minimum required in that respect by persons aged 19 or over in order to be able to operate effectively in day-to-day life.

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##### **Commencement Information**

- I2** Sch. 5 para. 4 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

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*Power to specify qualification in numeracy*

- 5 The level of attainment in numeracy demonstrated by a specified qualification in numeracy must be the level which, in the opinion of the Secretary of State, is the minimum required in that respect by persons aged 19 or over in order to be able to operate effectively in day-to-day life.

**Commencement Information**

**I3** Sch. 5 para. 5 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

*<sup>F2</sup>Power to specify qualification in information technology*

**Textual Amendments**

**F2** Sch. 5 para. 5A and cross-heading inserted (1.8.2020) by Digital Economy Act 2017 (c. 30), ss. 114(4), 118(6); S.I. 2020/70, reg. 2

- 5A The level of attainment demonstrated by a specified qualification in making use of information technology must be the level which, in the opinion of the Secretary of State, is the minimum required in that respect by persons aged 19 or over in order to be able to operate effectively in day-to-day life.]

*Level 2*

- 6 Level 2 is the level of attainment (in terms of breadth and depth) which, in the opinion of the Secretary of State, is demonstrated by the General Certificate of Secondary Education in five subjects, each at Grade C or above.

**Commencement Information**

**I4** Sch. 5 para. 6 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

*Level 3*

- 7 Level 3 is the level of attainment (in terms of breadth and depth) which, in the opinion of the Secretary of State, is demonstrated by the General Certificate of Education at the advanced level in two subjects.

**Commencement Information**

**I5** Sch. 5 para. 7 in force at 1.4.2010 by S.I. 2010/303, art. 3, Sch. 2 (with arts. 9-11)

*Advice and information*

- 8 In forming an opinion for the purposes of this Schedule, the Secretary of State may have regard, in particular, to advice or information relating to qualifications which is provided by—

<sup>F3</sup>(a) .....

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- (b) <sup>F4</sup> ... or
- (c) the Office of Qualifications and Examinations Regulation.

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**Textual Amendments**

- F3** Sch. 5 para. 8(a) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(g), [Sch. 14 para. 30\(b\)](#)
- F4** Sch. 5 para. 8(b) omitted (1.4.2012) by virtue of [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 8 para. 25](#); [S.I. 2012/924](#), art. 2

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**Commencement Information**

- I6** Sch. 5 para. 8 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

*Power to amend*

- 9 (1) The Secretary of State may by order amend this Schedule so as to—
- (a) add a category of qualification to Part 1;
  - (b) remove a category of qualification for the time being referred to in Part 1;
  - (c) substitute a different qualification for a qualification for the time being referred to in Part 2;
  - (d) make consequential amendments.
- (2) The power conferred by sub-paragraph (1)(b) includes power to remove every category of qualification to which a paragraph of Part 1 for the time being applies.

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**Commencement Information**

- I7** Sch. 5 para. 9 in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, [Sch. 2](#) (with arts. 9-11)

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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