



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 7

THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

CHAPTER 1

ESTABLISHMENT, OBJECTIVES AND GENERAL DUTIES

Objectives and general duties

129 General duties

- (1) So far as reasonably practicable, in performing its functions Ofqual must act in a way—
 - (a) which is compatible with its objectives, and
 - (b) which it considers most appropriate for the purpose of meeting its objectives.
- (2) So far as relevant, in performing its functions Ofqual must have regard to—
 - (a) the need to ensure that the number of regulated qualifications available for award or authentication is appropriate;
 - (b) the other reasonable requirements of relevant learners, including persons with [^{F1}special educational needs][^{F2}or additional learning needs];
 - (c) the reasonable requirements of pupils and children, including persons with [^{F3}special educational needs][^{F4}or additional learning needs], in relation to regulated assessment arrangements;
 - (d) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training (including required standards of practical competence);

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- (e) the reasonable requirements of institutions within the higher education sector;
 - (f) information provided to Ofqual by a person falling within subsection (4);
 - (g) the desirability of facilitating innovation in connection with the provision of regulated qualifications;
 - (h) the specified purposes of regulated assessment arrangements.
- (3) For the purposes of subsection (2)(a) the number of regulated qualifications available for award or authentication is appropriate if the number is such that—
- (a) there is a reasonable level of choice for learners, in terms of both the number of different regulated qualifications and the number of different forms of such qualifications, but
 - (b) the number of different regulated qualifications in similar subject areas or serving similar functions is not excessive.
- (4) The persons falling within this subsection are—
- ^{F5}(a)
 - (b) Her Majesty's Chief Inspector of Education, Children's Services and Skills;
 - (c) such other relevant persons, or relevant persons of such a description, as the Secretary of State may direct.
- (5) In subsection (4)(c) “relevant person” means a person who appears to the Secretary of State to have knowledge of, or expertise in, requirements of a kind mentioned in subsection (2)(d).
- (6) In performing its functions Ofqual must also have regard to such aspects of government policy as the Secretary of State may direct.
- (7) The Secretary of State must publish a direction given under subsection (6).
- (8) Ofqual must perform its functions efficiently and effectively.
- ^{F6}(9)
- ^{F7}(10)
- (11) “Relevant learner” means a person seeking to obtain, or who may reasonably be expected to seek to obtain, a regulated qualification.

Textual Amendments

- F1** Words in s. 129(2)(b) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(a)**; S.I. 2014/889, art. 7(a)
- F2** Words in s. 129(2)(b) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 17(a)**; S.I. 2021/373, art. 8(j)(xxx)
- F3** Words in s. 129(2)(c) substituted (1.9.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(a)**; S.I. 2014/889, art. 7(a)
- F4** Words in s. 129(2)(c) inserted (1.9.2021) by Additional Learning Needs and Education Tribunal (Wales) Act 2018 (anaw 2), s. 100(3), **Sch. 1 para. 17(b)**; S.I. 2021/373, art. 8(j)(xxx)
- F5** S. 129(4)(a) omitted (1.4.2012) by virtue of Education Act 2011 (c. 21), s. 82(3), **Sch. 8 para. 23**; S.I. 2012/924, art. 2
- F6** S. 129(9) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(b)**; S.I. 2014/889, art. 7(a)
- F7** S. 129(10) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 3 para. 94(b)**; S.I. 2014/889, art. 7(a)

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Commencement Information

II S. 129 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

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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