



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, Section 138 is up to date with all changes known to be in force on or before 04 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**

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Section 138 is up to date with all changes known to be in force on or before 04 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.

[View outstanding changes](#)

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