



# Apprenticeships, Skills, Children and Learning Act 2009

## 2009 CHAPTER 22

### PART 7

#### THE OFFICE OF QUALIFICATIONS AND EXAMINATIONS REGULATION

#### CHAPTER 4

#### OTHER FUNCTIONS

#### **170 Duty not to impose or maintain unnecessary burdens**

- (1) Ofqual must keep its regulatory functions under review.
- (2) Ofqual must secure that in performing any of its regulatory functions it does not—
  - (a) impose burdens which it considers to be unnecessary, or
  - (b) maintain burdens which it considers to have become unnecessary.
- (3) Subsection (2) does not require the removal of a burden which has become unnecessary where its removal would, having regard to all the circumstances, be impracticable or disproportionate.
- (4) Ofqual must publish a statement setting out—
  - (a) what it proposes to do pursuant to subsections (1) and (2) in the period to which the statement relates,
  - (b) (except in the case of the first statement published under this section) what it has done pursuant to subsections (1) and (2) since the previous statement was published under this section, and
  - (c) where a burden which has become unnecessary is maintained pursuant to subsection (3), the reasons why the removal of the burden would, having regard to all the circumstances, be impracticable or disproportionate.

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**Changes to legislation:** *Apprenticeships, Skills, Children and Learning Act 2009, Section 170 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](#)*

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- (5) The first statement published under this section—
  - (a) must be published as soon as reasonably practicable after the commencement of section 127, and
  - (b) is to be a statement for the period of 12 months beginning with the day of its publication.
- (6) A subsequent statement published under this section—
  - (a) must be published during the period to which the previous statement related or as soon as reasonably practicable after the end of that period, and
  - (b) must be a statement for the period of 12 months beginning with the end of the period to which the previous statement related.
- (7) Ofqual must, in performing any of its regulatory functions during a period for which a statement is in force under this section, have regard to the statement.
- (8) In this section “regulatory function” has the same meaning as in the Legislative and Regulatory Reform Act 2006 (c. 51) (see section 32 of that Act).

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**Commencement Information**

**II** S. 170 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