



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 1

APPRENTICESHIPS, STUDY AND TRAINING

CHAPTER 1

APPRENTICESHIPS

Apprenticeship agreements: England and Wales

32 Meaning of “apprenticeship agreement”

- (1) In this Chapter, “apprenticeship agreement” means an agreement in relation to which each of the conditions in subsection (2) is satisfied.
- (2) The conditions are—
 - (a) that a person (the “apprentice”) undertakes to work for another (the “employer”) under the agreement;
 - (b) that the agreement is in the prescribed form;
 - (c) that the agreement states that it is governed by the law of England and Wales;
 - (d) that the agreement states that it is entered into in connection with a qualifying apprenticeship framework.
- (3) The power conferred by subsection (2)(b) may be exercised, in particular—
 - (a) to specify provisions that must be included in an apprenticeship agreement;
 - (b) to specify provisions that must not be included in an apprenticeship agreement;
 - (c) to specify all or part of the wording of provisions that must be included in an apprenticeship agreement.

Status: This is the original version (as it was originally enacted).

- (4) Where an agreement states that it is entered into in connection with an apprenticeship framework (“the relevant framework”) that is not a qualifying apprenticeship framework, subsection (2)(d) is to be taken to be satisfied in relation to the agreement if—
- (a) at a time within the period of three years ending with the date of the agreement, the relevant framework was a qualifying apprenticeship framework;
 - (b) at the date of the agreement, the apprentice has not completed the whole of a course of training for the competencies qualification identified in the relevant framework,
 - (c) before the date of the agreement, the apprentice entered into an apprenticeship agreement (“the earlier agreement”) which stated that it was entered into in connection with the relevant framework, and
 - (d) at the date of the earlier agreement, the relevant framework was a qualifying apprenticeship framework.
- (5) In subsection (4)(b), the reference to a course of training for the competencies qualification is to be read, in a case where the person follows two or more courses of training for the competencies qualification, as a reference to both or all of them.
- (6) An apprenticeship framework is a “qualifying apprenticeship framework”, for the purposes of this section, if it is—
- (a) a recognised English framework, or
 - (b) a recognised Welsh framework.