



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 4

THE CHIEF EXECUTIVE OF SKILLS FUNDING

CHAPTER 1

ESTABLISHMENT AND MAIN DUTIES

The apprenticeship offer

94 Suitability and availability of apprenticeship places: further provision

- (1) This section has effect for the purposes of section 91.
- (2) An apprenticeship place is in the apprenticeship sector to which the related framework (within the meaning of section 93(1)) relates.
- (3) An apprenticeship place is at the appropriate level—
 - (a) in the case of a person who satisfies the apprenticeship offer requirements both at level 2 and at level 3, if the related framework is at the level chosen by the person under section 92,
 - (b) in the case of any other person who satisfies the apprenticeship offer requirements at level 2, if the related framework is at level 2, and
 - (c) in the case of any other person who satisfies the apprenticeship offer requirements at level 3, if the related framework is at level 3.
- (4) An apprenticeship place is within a person's reasonable travel area if the following are within that area—

Status: This is the original version (as it was originally enacted).

- (a) the place, or principal place, at which the person would be required to work under the apprenticeship agreement to which the arrangements mentioned in section 93(2)(a) relate, and
 - (b) the place at which tuition or training would be provided under any course of study or training to which the arrangements mentioned in section 93(2)(b) or (c) relate.
- (5) In subsection (4), “reasonable travel area”, in relation to a person, means—
- (a) the area specified under subsection (6) in which the person lives, and
 - (b) any other area within which it is reasonable for the person’s place of work, training or study to be located.
- (6) The Secretary of State must specify areas into which England is to be divided for the purposes of subsection (5)(a), and must publish any specification or revised specification under this subsection.
- (7) An apprenticeship place is not available to a person if the person is not eligible for appointment to the employment to which the arrangements mentioned in section 93(2)(a) relate because of failure to meet any published criterion.
- (8) In subsection (7), “published criterion” includes any requirement for employment of the kind in question—
- (a) which is imposed by the employer, and
 - (b) about which information is available to persons proposing to apply for such employment.