



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

95 Apprenticeship offer requirements

- (1) In order to satisfy the apprenticeship offer requirements at level 2 a person must—
 - (a) hold—
 - (i) a specified full level 1 qualification, and
 - (ii) specified qualifications, at level 1 or above, in English and mathematics, and
 - (b) not hold an apprenticeship certificate at level 2 or above, and must be available for employment under an apprenticeship agreement.
- (2) In order to satisfy the apprenticeship offer requirements at level 3 a person must—
 - (a) hold—
 - (i) a specified full level 2 qualification, and
 - (ii) specified qualifications, at level 2, in English and mathematics, and
 - (b) not hold an apprenticeship certificate at level 3 or above, and must be available for employment under an apprenticeship agreement.

Status: This is the original version (as it was originally enacted).

- (3) A reference in this section to any specified qualification includes a reference to a qualification (including one awarded by a person outside England) which appears to the Chief Executive to be at a comparable or higher level.
- (4) In this section “apprenticeship certificate” means an apprenticeship certificate issued under section 3 or 4; and a reference in this section to an apprenticeship certificate at any level includes a reference to a certificate or other evidence (including a certificate awarded or evidence provided by a person outside England) which appears to the Chief Executive to be evidence of experience and attainment at a comparable or higher level.
- (5) Regulations may make provision as to circumstances in which a person who appears to the Chief Executive to have a learning difficulty is to be treated as meeting the requirements set out in subsection (1)(a) or (2)(a).
- (6) Subsections (6) and (7) of section 15ZA of the [Education Act 1996 \(c. 56\)](#) (meaning of learning difficulty) apply for the purposes of subsection (5) of this section as they apply for the purposes of that section.
- (7) Regulations may make provision as to circumstances in which a person is to be treated as being available, or not being available, for employment under an apprenticeship agreement.