
Changes to legislation: There are currently no known outstanding effects for the Enterprise Act 2016, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 4

THE INSTITUTE FOR APPRENTICESHIPS

2 In Part 1 (apprenticeships, study and training) before Chapter A1 insert—

“CHAPTER ZA1

THE INSTITUTE FOR APPRENTICESHIPS

Establishment

The Institute for Apprenticeships

ZA1(1) A body corporate known as the Institute for Apprenticeships is established.

(2) In this Act that body is referred to as “the IfA”.

(3) Schedule A1 makes further provision about the IfA.

General duties and functions

General duties

ZA2(1) So far as relevant, and subject to any notice given by the Secretary of State under subsection (2), in performing its functions the IfA must have regard to—

- (a) the reasonable requirements of industry, commerce, finance, the professions and other employers regarding education and training within the IfA's remit;
- (b) the reasonable requirements of persons who may wish to undertake education and training within the IfA's remit;
- (c) the need to ensure that education and training within the IfA's remit is of an appropriate quality;
- (d) the need to ensure that education and training within the IfA's remit represents good value in relation to financial resources provided out of public funds;
- (e) any information provided to it by any person designated by the Secretary of State for the purposes of this paragraph.

(2) The Secretary of State may give a notice in writing to the IfA setting out other matters to which the IfA must have regard when performing its functions.

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- (3) The Secretary of State may not give a notice under subsection (2) more than once in any financial year (within the meaning given by section ZA6(6)), except as provided by subsection (4).
- (4) Where in a financial year—
- (a) a notice is given under subsection (2), and
 - (b) after the giving of the notice a new Parliament meets for the first time,
- the Secretary of State may give one further notice under subsection (2) in that year.
- (5) The IfA must perform its functions efficiently and effectively.
- (6) For the purposes of this section, education or training is within the IfA's remit if the education or training is or may be provided in the course of an approved English apprenticeship.
- (7) Subsection (1) and any notice under subsection (2) do not apply in relation to functions that are—
- (a) delegated by directions under section ZA4, or
 - (b) conferred by regulations under section ZA5,
- unless the directions or regulations provide for them to apply in relation to the functions.
- (8) Where directions or regulations so provide, the directions or regulations—
- (a) may provide for any education or training to which the functions relate to be treated as within the IfA's remit for the purposes of this section;
 - (b) may provide for subsection (1) and any notice under subsection (2) to apply in relation to the functions with such modifications as the Secretary of State thinks fit.
- (9) The Secretary of State must—
- (a) publish in such manner as the Secretary of State thinks fit any notice under subsection (2), and
 - (b) lay a copy of it before Parliament.

Provision of advice and assistance to the Secretary of State etc

- ZA3(1) The IfA may, if requested to do so by the Secretary of State, provide the Secretary of State with advice and assistance in connection with the Secretary of State's functions relating to apprenticeships in relation to England.
- (2) The Secretary of State's functions mentioned in subsection (1) include those under section 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

Delegation of functions to the IfA by Secretary of State

- ZA4(1) The Secretary of State may by direction delegate to the IfA any of the Secretary of State's functions relating to apprenticeships in relation to England.

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- (2) The functions may be delegated—
 - (a) to any extent that the Secretary of State specifies in the direction, and
 - (b) subject to any conditions that the Secretary of State specifies in the direction.
- (3) The Secretary of State's functions mentioned in subsection (1) include those under section 100(1A) or otherwise relating to the funding of apprenticeships in relation to England.

Conferral of further functions on the IfA by regulations

- ZA5(1) The Secretary of State may by regulations confer on the IfA such functions relating to apprenticeships in relation to England as the Secretary of State considers appropriate.
- (2) A function conferred by regulations under subsection (1) may involve the exercise of a discretion.

Annual and other reports

- ZA6(1) As soon as reasonably practicable after the end of each financial year, the IfA must prepare an annual report.
- (2) An annual report is a report which includes—
 - (a) a description of what the IfA has done during the year, including a description of what the IfA has done as a result of any notice given by the Secretary of State under section ZA2(2),
 - (b) the statement of accounts prepared for that year under paragraph 11 of Schedule A1, and
 - (c) such other provision as the Secretary of State may direct.
- (3) The IfA must send the report to the Secretary of State as soon as reasonably practicable after it has been prepared.
- (4) The Secretary of State must lay a copy of the report before Parliament.
- (5) The Secretary of State may direct the IfA to prepare, and send to the Secretary of State, as soon as reasonably practicable a report on any matter relating to its functions.
- (6) In this section “financial year” means—
 - (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
 - (b) each successive period of 12 months.

Compliance

Secretary of State directions where the IfA fails to discharge duties etc

- ZA7 If the Secretary of State is satisfied that the IfA—
 - (a) has failed to discharge a duty imposed on it by or under this Act, or

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(b) has acted or is proposing to act in an unreasonable way in exercising any function,
the Secretary of State may give the IfA such directions as the Secretary of State considers appropriate.

Directions

General provision about directions under Chapters ZA1 and A1

ZA8(1) This section applies to a direction given to the IfA by the Secretary of State under this Chapter or Chapter A1.

(2) The IfA must comply with the direction.

(3) The direction must be in writing.”

Commencement Information

II Sch. 4 para. 2 in force at 1.4.2017 by S.I. 2017/346, reg. 2(a)

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