

**2011 No. 882 (C. 35)**

**EDUCATION, ENGLAND AND WALES**

**The Apprenticeships, Skills, Children and Learning Act 2009  
(Commencement No. 2 and Transitional and Saving Provisions)  
Order 2010 (Amendment) Order 2011**

*Made* - - - -

*21st March 2011*

The Secretary of State, in exercise of the powers conferred by section 269(4) and (8) of the Apprenticeships, Skills, Children and Learning Act 2009(a) makes the following Order:

**Citation**

1. This Order may be cited as the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010 (Amendment) Order 2011.

**Amendment of the Apprenticeships, Skills, Children and Learning Act 2009  
(Commencement No. 2 and Transitional and Saving Provisions) Order 2010**

2. The Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010(b) is amended as follows—

- (a) omit article 7; and
- (b) omit Schedule 6.

21st March 2011

*John Hayes*  
Minister of State for Further Education, Skills and Lifelong Learning  
Department for Business, Innovation and Skills

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(a) 2009 c. 22.  
(b) S.I. 2010/303, amended by SI 2010/1172.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Order amends the Apprenticeships, Skills, Children and Learning Act 2009 (Commencement No. 2 and Transitional and Saving Provisions) Order 2010 by revoking the commencement of section 40 and Schedule 1 in relation to small employers and their employees, due to come into force on 6th April 2011.

Section 40 inserted a new Part 6A (sections 63D to 63K) and two new sections (47F and 104E) into the Employment Rights Act 1996. These new sections introduced a right for qualifying employees to make an application to their employers in relation to study and training. Schedule 1 made amendments to other legislation which were consequential on this right. These provisions were brought into force for all purposes except in relation to small employers and their employees on 6 April 2010. “Small employers” are employers who employ less than 250 employees.

The effect of the Order is that these provisions will not be come into force on 6 April 2011 in relation to small employers and their employees.

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