

SCHEDULE

Article 13

Transitional Provision

PART 1

Transitional provision relating to the commencement of section 2 of the Act

1. The amendments made by section 2 of the Act do not affect sections 124 and 125 of the Equality Act 2010(1) as they apply to proceedings that are commenced before 1st October 2015.

PART 2

Transitional provision relating to the commencement of section 3 of and Schedule 1 to the Act

Interpretation

2. In this Part—

“the 2009 Act” means the Apprenticeships, Skills, Children and Learning Act 2009;

“commencement date” means 26th May 2015;

“the saved provisions” means the following provisions of the 2009 Act as they have effect immediately before the commencement date—

- (a) section 1 (meaning of “completing an English apprenticeship”);
- (b) sections 3 to 6 (apprenticeship certificates: England);
- (c) sections 13 to 15 and 17 (apprenticeship frameworks: England);
- (d) sections 24 to 27 (specification of apprenticeship standards: England);
- (e) sections 11, 12, 32 to 36, 38(1) and 39 to the extent that they apply in connection with the provisions mentioned in paragraphs (a) to (d).

General saving

3. Despite Part 2 of Schedule 1 to the Act, the saved provisions, and any subordinate legislation made under them, continue to have effect on and after the commencement date; subject to—

- (a) the provision made by paragraph 4 for the phasing out of apprenticeship frameworks, and
- (b) the modifications made by paragraphs 5 to 8.

Phasing out of apprenticeship frameworks

4.—(1) This paragraph applies where, in consequence of the publication of one or more standards under section A2 of the 2009 Act, an apprenticeship framework issued under section 14(1) of that Act is withdrawn under section 14(2).

(2) An apprenticeship framework may not be issued under section 14(1) of the 2009 Act in relation to a skill, trade or occupation to which the withdrawn framework related (whether or not the standard published under section A2 of that Act or, as the case may be, any of the standards published under that section, are subsequently revised or withdrawn).

(1) 2010 c.15.

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Modifications of the saved provisions

5. Section 15 of the 2009 Act has effect as if subsections (1)(b), (2) and (3)(b) were omitted.
6. Section 24(1) of that Act has effect as if the words from “Where” to “section 23,” and paragraphs (a) and (b) were omitted.
7. Section 25 of that Act has effect as if—
 - (a) subsections (1) and (2) were omitted, and
 - (b) in subsection (3), the words from “Where” to “subsection (1),” and the word “those” were omitted.
8. Section 38(1) of that Act has effect as if for “must” there were substituted “may”.

Trailblazer apprenticeships

- 9.—(1) Sub-paragraph (2) applies where a person—
 - (a) begins work under a Trailblazer apprenticeship before the commencement date, and
 - (b) continues to work under the apprenticeship for any period on or after the commencement date.

(2) Any work done under the apprenticeship is to be treated as having been done under an approved English apprenticeship (within the meaning of Chapter A1 of Part 1 of the 2009 Act).

(3) For the purposes of this paragraph, a person works under a Trailblazer apprenticeship if arrangements made by the Secretary of State and known as Trailblazer apprenticeships apply in relation to the work.
- 10.—(1) Sub-paragraph (2) applies where—
 - (a) a standard is published by the Secretary of State before the commencement date, and
 - (b) the standard is in connection with work under a Trailblazer apprenticeship that falls to be treated by virtue of paragraph 9 as work done under an approved English apprenticeship.

(2) The standard is to be treated for the purposes of Chapter A1 of Part 1 of the 2009 Act as an approved apprenticeship standard published under section A2 of that Act in relation to the approved English apprenticeship.

PART 3

Transitional provision relating to the commencement of sections 8(1), (3) and (4) and Parts 2 and 3 of Schedule 2 to the Act

Interpretation

11. In this Part—

“the RTA” means the Road Traffic Act 1988(2);

“commencement date” means 8th June 2015;

“ADI” means a person who is registered as a driving instructor under section 125(3) of the RTA;

(2) 1988 c. 52.

(3) Section 125 was amended by paragraph 3 of the Schedule to the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31), paragraph 7 of Schedule 29 to the Transport Act 2000 (c. 38) and by S.I. 1999/357; there are uncommenced amendments to this section in paragraph 4 of Schedule 6 to the Road Safety Act 2006 (c. 49).

“disabled trainee instructor licence” means a licence granted under section 129(2) (b) (4) of the RTA (in the form that those provisions took immediately prior to the commencement date);

“emergency control assessment” means an assessment under section 133A (5) of the RTA;

“emergency control certificate” means a certificate issued under section 133A of the RTA;

“the register” means the same as “the register” in section 123(6) of the RTA;

“the Registrar” means the same as “the Registrar” in section 125(2) of the RTA;

“RDI” means a person who immediately prior to the commencement date was registered as a

“disabled instructor” under section 125A(7) of the RTA;

“trainee instructor licence” means—

(a) a licence granted, prior to the commencement date, under section 129(2)(a) of the RTA; or

(b) a licence granted under section 129 of the RTA on or after the commencement date.

RDI to be treated as ADI

12. A person who was an RDI is, on and after the commencement date, deemed to be an ADI.

Duration of registration and renewals of registration for deemed ADIs

13. Where a person is deemed to be an ADI by virtue of paragraph 12—

(a) the duration of that person’s registration must be determined in accordance with section 126(8) of the RTA by reference to the date on which that person registered, or last extended registration, as an RDI; and

(b) should that person apply to retain the registration for a further 4 year period under section 127(9) of the RTA that person must be treated as an ADI applying to retain the registration as an ADI.

Person holding a disabled trainee instructor licence to be treated as person holding a trainee instructor licence

14. A person who held, immediately before the commencement date, a disabled trainee instructor licence is, on and after the commencement date, deemed to hold a trainee instructor licence.

(4) Section 129 was amended by section 2 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and by paragraph 6 of Schedule 1 to the Driving Instruction (Suspension and Exemption Powers) Act 2009 (c. 17); there are uncommenced amendments to this section in paragraph 12 of Schedule 6 to the Road Safety Act 2006 and in paragraph 1 of Schedule 2 to the Driving Instruction (Suspension and Exemption Powers) Act 2009.

(5) Section 133A was inserted by section 3 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and amended by paragraph 10 of Schedule 29 to the Transport Act 2000; there are uncommenced amendments to this section in paragraph 15 of Schedule 6 to the Road Safety Act 2006.

(6) Section 123 was amended by paragraph 2 of the Schedule to the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and by paragraph 2 of Schedule 1 to the Driving Instruction (Suspension and Exemption Powers) Act 2009; there are uncommenced amendments to this section in paragraph 2 of Schedule 6 to the Road Safety Act 2006 and section 1 and paragraph 1 of Schedule 2 to the Driving Instruction (Suspension and Exemption Powers) Act 2009.

(7) Section 125A was inserted by section 1 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and amended by S.I. 1999/357; there are uncommenced amendments to this section in paragraph 23 of Schedule 3 and paragraph 6 of Schedule 6 to the Road Safety Act 2006.

(8) Section 126 was amended by paragraph 4 of the Schedule to the Road Traffic (Driving Instruction by Disabled Persons) Act 1993; there are uncommenced amendments to this section in paragraph 8 of Schedule 6 to the Road Safety Act 2006.

(9) Section 127 was amended by paragraph 5 of the Schedule to the Road Traffic (Driving Instruction by Disabled Persons) Act 1993, section 259 of the Transport Act 2000 and paragraph 3 of Schedule 1 to the Driving Instruction (Suspension and Exemption Powers) Act 2009; there are uncommenced amendments to this section in paragraph 9 of Schedule 6 to the Road Safety Act 2006 and in paragraph 1 of Schedule 2 to the Driving Instruction (Suspension and Exemption Powers) Act 2009.

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Duration of licence and renewal of licence for person deemed to hold a trainee instructor licence

15. Where a person is deemed to hold a trainee instructor licence by virtue of paragraph 14—
- (a) the duration of that licence must be determined by reference to the date on which the disabled trainee instructor licence was granted; and
 - (b) if that person applies for a new trainee instructor licence before the deemed licence expires that application must—
 - (i) be treated as having been made in accordance with section 129(6) of the RTA; and
 - (ii) be treated as an application for a “substitute licence” as defined in regulation 13(5) of the Motor Cars (Driving Instruction) Regulations 2005⁽¹⁰⁾ for the purposes of Part 5 of those Regulations.

Application for registration or extension of registration made prior to the commencement date

- 16.—(1) Where—
- (a) prior to the commencement date a person made an application to be registered under section 125A of the RTA; and
 - (b) the Registrar has not, before the commencement date, made a decision on whether to grant registration,
- the Registrar must treat that application as an application under section 125 for registration as an ADI.
- (2) Where—
- (a) prior to the commencement date a person made an application to extend registration as an RDI under section 127 of the RTA; and
 - (b) the Registrar has not, before the commencement date, made a decision on whether to extend registration,
- the Registrar must treat that application as an application for extension of registration as an ADI.

Application for a disabled trainee instructor licence made prior to the Commencement Date

17. Where—
- (a) prior to the commencement date a person made an application for a disabled trainee instructor licence; and
 - (b) the Registrar has not, before the commencement date, made a decision on whether to grant that application,
- the Registrar must treat that application as an application for a trainee instructor licence.

Continuing validity of an emergency control certificate

18. Where a person was granted an emergency control certificate before the commencement date that remained current at the commencement date that emergency control certificate must be treated as current on and after the commencement date unless the Registrar requires that person to undertake a further emergency control assessment.

⁽¹⁰⁾ S.I. 2005/1902.

Continuing requirement to hold an emergency control certificate

19. A person who, immediately before the commencement date, was required to hold an emergency control certificate must, on and after the commencement date, be treated as a person who is required to continue to hold that emergency control certificate under section 125(3)(da) of the RTA.

Persons required to take an emergency control assessment prior to the commencement date

20.—(1) This paragraph applies to a person who was—

- (a) required by the Registrar, under section 125B(6)(11) or section 133B(2)(12) of the RTA, to undertake an emergency control assessment prior to the commencement date; and
- (b) has not undertaken an emergency control assessment by the commencement date.

(2) A person to whom sub-paragraph (1) applies must, on and after the commencement date, continue to be treated as a person who is required to take an emergency control assessment and to obtain an emergency control certificate until such a time as either—

- (a) that person is awarded an emergency control certificate; or
- (b) the Registrar withdraws the requirement to undertake an emergency control assessment under section 133E of the RTA(13), and

where that person is awarded an emergency control certificate that person must be treated as a person who is required to continue to hold an emergency control certificate under section 125(3)(da) of the RTA.

Effect of an emergency control assessment fail prior to the commencement date

21.—(1) This paragraph applies to a person who, prior to the commencement date—

- (a) took an emergency control assessment where the assessor refused to grant an emergency control certificate under section 133A of the RTA, and
- (b) has not subsequently been awarded an emergency control certificate.

(2) A person to whom sub-paragraph (1) applies must, on and after the commencement date, continue to be treated as a person who has been required to take an emergency control assessment and to whom the assessor has refused to grant an emergency control certificate until such a time as either—

- (a) that person is awarded an emergency control certificate; or
- (b) the Registrar withdraws the requirement to obtain an emergency control certificate under section 133E of the RTA.

(11) Section 125B was inserted by section 1 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and was amended by paragraph 8 of Schedule 29 to the Transport Act 2000; there are uncommenced amendments to this section in paragraph 7 of Schedule 6 to the Road Safety Act 2006.

(12) Section 133B was inserted by section 3 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993; there are uncommenced amendments to this section in paragraph 16 of Schedule 6 to the Road Safety Act 2006.

(13) Section 133E is inserted by paragraph 28 of Part 2 of Schedule 2 to the Deregulation Act 2015 (which is commenced by this Order).

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PART 4

Transitional provision relating to the commencement of section 51(f) and Part 6 of Schedule 10 to the Act.

Interpretation

22. In this Part “commencement date” means 8th June 2015.

Existing ATFs to be deemed to be designated premises

23. Where, immediately prior to the commencement date, premises were used as an authorised testing facility under a contract with the Secretary of State which provided that goods vehicle roadworthiness testing could be performed at those premises, those premises are, on and after the commencement date, deemed to be designated premises under section 52(2)(b) of the Road Traffic Act 1988⁽¹⁴⁾.

Duration of deemed designation

24. Where premises are deemed to be designated premises by virtue of paragraph 23 of this Part, that deemed designation ceases at the same time as the expiry or termination of the underlying contract with the Secretary of State referred to in paragraph 23.

⁽¹⁴⁾ Section 52(2)(b) is inserted by paragraph 25 of Part 6 of Schedule 10 to the Deregulation Act 2015 (which is commenced by this Order).