

2022 No. 965 (C. 73)

EDUCATION, ENGLAND

**The Skills and Post-16 Education Act 2022 (Commencement
No. 1 and Transitional Provision) (England) Regulations 2022**

Made - - - - *20th September 2022*

The Secretary of State makes the following Regulations, in exercise of the powers conferred by sections 36(3) and (7) of the Skills and Post-16 Education Act 2022(a).

Citation and interpretation

1.—(1) These Regulations may be cited as the Skills and Post-16 Education Act 2022 (Commencement No. 1 and Transitional Provision) (England) Regulations 2022.

(2) In these Regulations—

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

“Higher Technical Qualification” means a technical education qualification approved or being considered for approval under section A2DA(1)(c) of the 2009 Act and which is at level 4 or 5—

(a) on the Framework for Higher Education Qualifications of UK Degree-Awarding Bodies(d); or

(b) as described in the Ofqual Handbook: General Conditions of Recognition(e);

“the Institute” means the Institute for Apprenticeships and Technical Education as established under section ZA1(1) of the 2009 Act;

“technical education qualification” has the same meaning as under section A2DA(12)(f) of the 2009 Act.

Extent

2.—(1) Subject to paragraphs (2) and (3), these Regulations extend to England and Wales only.

(a) 2022 c. 21.

(b) 2009 c. 22.

(c) Section A2DA was inserted by paragraphs 1 and 15 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19). Section A2DA will be renumbered as section A2D3 by section 13(b) of the Skills and Post-16 Education Act 2022 (“the Act”) on the date that section 13(b) of the Act comes into force under these regulations.

(d) The Framework for HE Qualifications of UK Degree-Awarding Bodies dated 3 November 2014 is accessible online at <https://www.qaa.ac.uk/quality-code/qualifications-frameworks>. Hard copies are available from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

(e) Level requirements (including level descriptors) are in Section E of the Ofqual Handbook: General Conditions of Recognition dated 12 October 2017 (updated 12 May 2022) which is accessible online at <https://www.gov.uk/guidance/ofqual-handbook/section-e-design-and-development-of-qualifications>. Hard copies are available from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

(f) Section A2DA(12) will be omitted by section 12(3)(c) of the Act upon commencement of that section in accordance with regulation 3(g) of these regulations. A definition of “technical education qualification” will be inserted into section A12 of the 2009 Act in accordance with regulation 3(b) of these Regulations.

- (2) Regulation 3(6) also extends to Scotland.
- (3) Regulations 3(5) and 3(6) also extend to Northern Ireland.

Provisions coming into force on 30th September 2022

3. The following provisions of the Skills and Post-16 Education Act 2022 come into force on 30th September 2022—

- (1) Section 6 (functions of the Institute: oversight etc);
- (2) Section 7 (additional powers to approve technical education qualifications);
- (3) Section 8 (functions of the Institute: availability of qualifications outside of England);
- (4) Section 9 (technical education qualifications: co-operation between the Institute and Ofqual);
- (5) Section 10 (application of accreditation requirement in relation to technical education qualifications);
- (6) Section 11 (information sharing in relation to technical education qualifications);
- (7) Section 12 (technical education qualifications: minor and consequential amendments);
- (8) Section 13 (renumbering of provisions relating to technical education qualifications).

Transitional provision

4. A Higher Technical Qualification approved prior to the 30th September 2022 will be treated as though it was approved under section A2D5(a) of the 2009 Act on and after 30th September 2022.

5. Where a Higher Technical Qualification was submitted to the Institute for approval prior to 30th September 2022 and no decision on approval has been made before that date, it will be considered for approval under section A2D5 of the 2009 Act on and after 30th September 2022.

Signed by authority of the Secretary of State for Education

Andrea Jenkyns
Parliamentary Under Secretary of State
Department for Education

20th September 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force specified provisions of the Skills and Post-16 Education Act 2022 (c. 21) (“the Act”) on 30th September 2022. They are the first commencement Regulations to be made under the Act. These Regulations also make transitional provision in connection with the coming into force of the provisions brought into force by these Regulations.

The extent of sections 6 to 9, 12 and 13 of the Act, and therefore these Regulations, is England and Wales, section 10 also extends to Northern Ireland and section 11 to both Scotland and Northern Ireland. However, all of the provisions apply in England only. This is because the 2009 Act, as amended by the Act, only provides for the specification of categories of technical education qualification in relation to England.

Regulation 3 brings into force sections 6 to 13 of the Act on 30th September 2022.

(a) Section A2D5 of the 2009 Act will be inserted by section 7 of the 2022 Act upon commencement of that section in accordance with regulation (3)(b) of these Regulations.

Regulation 4 makes transitional provision in relation to the approval of Higher Technical Qualifications which have been approved before 30th September 2022. Regulation 5 makes transitional provision for Higher Technical Qualifications which have been submitted for approval before 30th September 2022 and for which no decision on approval has been made. Those qualifications will be treated as approved or considered for approval, respectively, under section A2D5 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

An impact assessment has not been published for these Regulations as no significant impact on the private, voluntary, or public sector is foreseen independent of the provisions these Regulations bring into force. An impact assessment has been published in relation to the Act and copies can be obtained from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT, or from this website: <https://www.gov.uk/government/publications/skills-and-post-16-education-bill-impact-assessment-and-jchr-memorandum>.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/965>

ISBN 978-0-34-823884-6



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