



EXPLANATORY NOTES

Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2025

Chapter 14

INSTITUTE FOR APPRENTICESHIPS AND TECHNICAL EDUCATION (TRANSFER OF FUNCTIONS ETC) ACT 2025

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2025 which received Royal Assent on 15 May 2025 (c. 14).

- These Explanatory Notes have been prepared by the Department for Education in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act will mean in practice; provide background information on the development of policy; and provide additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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These Explanatory Notes relate to the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2025 which received Royal Assent on 15 May 2025 (c. 14).

Overview of the Act

- 1 The Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2025:
 - Abolishes the Institute for Apprenticeships and Technical Education (“IfATE”) and repeals parts of the Apprenticeship, Skills, Children and Learning Act 2009 relating to its general duties;
 - Transfers statutory functions from IfATE to the Secretary of State;
 - Amends some of the functions to be transferred;
 - Enables one or more schemes to be made to transfer IfATE’s property, rights and liabilities to the Secretary of State;
 - Makes transitional arrangements to ensure that existing approvals by IfATE of qualifications, standards and apprenticeship assessments continue to have effect as if made by the Secretary of State; and
 - Makes amendments to other Acts which are necessary as a consequence of the provisions of this Act.

Policy background

- 2 This Act forms part of the Government’s wider reforms to Post-16 education and skills and provides further legislative underpinnings required to deliver the 2024 manifesto commitment to establish Skills England, a new Arm’s Length Body of the Department for Education (DfE).
- 3 It is the Government’s intention that Skills England will be an Executive Agency of the DfE, which will bring together existing functions, including statutory functions currently held by IfATE, into a single organisation. This Act enables this by:
 - Transferring functions from IfATE to the Secretary of State.
 - Amending some of these functions as they are transferred by:
 - i. Providing the option for each standard and apprenticeship assessment plan to be prepared by the Secretary of State rather than by a ‘group of persons’ (such as a group of key employers), where this is deemed necessary or appropriate, and does not risk undermining quality. In such circumstances, the Secretary of State will have a duty to provide information about the matters they have taken into account when deciding that it would be more appropriate not to use a ‘group of persons’.

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- ii. Providing the option for each standard and apprenticeship assessment plan to be approved without the Secretary of State making arrangements for the carrying out of an examination by an independent third party, where this is deemed necessary or appropriate and does not risk undermining quality, for example where a profession is regulated, and the apprenticeship assessment plan simply sets out that regulator's requirements.
 - iii. Removing the duty to review, at regular and published intervals, technical education qualifications, standards and apprenticeship assessment plans. This will enable technical education qualifications, standards and apprenticeship assessment plans to continue being reviewed according to priorities and employers' needs.
- Allowing the Secretary of State to grant an exception which allows Ofqual – which regulates qualifications, examinations and assessments in England – to determine whether to exercise its accreditation power for technical qualifications in England (as it can for other types of qualifications).
 - Repealing statutory functions for the purpose of abolishing IfATE.
 - Making transitional arrangements to ensure continuity of approved qualifications and standards, and for the transfer of functions from IfATE to the DfE by:
 - i. Creating a power to make one or more transfer schemes to transition assets, liabilities and contracts from IfATE to DfE.
 - ii. Creating a power to make consequential amendments to other legislation which are required because of the terms of this Act, for instance, removing references to IfATE or replacing references to IfATE with the Secretary of State.

The case for Skills England

- 4 Skills England is intended to bring about a clearer, more data-driven, more joined-up and more responsive skills system, to help deliver a more productive workforce. It is a key element of the Government's missions to drive growth and improve access to opportunities.
- 5 This Act therefore makes the necessary legislative changes as relates to apprenticeships and technical qualifications, as part of the broader plan for Skills England (the remainder of which is not reliant on this Act). The Act is a necessary condition for delivering on the Government's manifesto commitment to establish Skills England as a vehicle for driving growth and opportunity.

Legal background

- 6 The Act is a piece of amending legislation. It amends the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act").

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Territorial extent and application

- 7 Education is devolved under all three of the devolution settlements.
- 8 Section 11 sets out the territorial extent of this Act. The extent of a piece of legislation refers to the jurisdiction (or jurisdictions) in which it forms part of the law. The extent of an Act can be different from its application. Application concerns where an Act produces a practical effect.
- 9 The Act extends to England and Wales save for Section 8 which extends to England and Wales, and Northern Ireland; and Sections 10 to 14 and Schedules 1 and 3 which extend to England and Wales, Scotland and Northern Ireland. The Act applies to England only.
- 10 Any amendment or repeal made by the Act has the same extent as the enactment amended or repealed.
- 11 See the table in Annex A for a summary of the position regarding territorial extent and application in the United Kingdom.

Commentary on provisions of the Act

Section 1: Transfer of functions

- 12 This section introduces Schedule 1 which transfers statutory functions from IfATE to the Secretary of State and makes minor and consequential amendments.

Section 2: Transfer of property etc

- 13 This section introduces Schedule 2 which sets out the provision for the transfer of IfATE's property, rights and liabilities to the Secretary of State.

Section 3: Abolition

- 14 This section abolishes IfATE.
- 15 It also introduces Schedule 3 which makes consequential provisions in relation to existing primary legislation, that is required as a consequence of the abolition of IfATE.

Section 4: Preparation of standards

- 16 Section 4 amends section ZA11 of the 2009 Act in relation to the preparation of standards.
- 17 Section 4 removes the requirement for standards to be prepared by a group of persons approved by IfATE and replaces it with the power for standards to be either prepared by a group of persons and approved by the Secretary of State or to be prepared by the Secretary of State where the Secretary of State is satisfied that this is more appropriate. Subsection 6 makes a consequential amendment to section A1 of the 2009 Act (meaning of "approved English apprenticeship" etc) to refer to published standards.
- 18 Section 4 also enables the Secretary of State to commission a group of persons to prepare a standard if they consider that there is a need for a standard, and that the standard should be prepared by a group (approved by the Secretary of State) and the standard would not be prepared unless the Secretary of State convenes a group for this purpose.
- 19 The Secretary of State will have a duty to provide information about matters that they will take into account when deciding that it would be more appropriate for them to prepare a standard than a 'group of persons'.

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Section 5: Preparation of apprenticeship assessment plans

- 20 Section 5 amends section A2 of the 2009 Act in relation to the preparation of apprenticeship assessment plans.
- 21 Section 5 removes the duty for apprenticeship assessment plans to be prepared by a group of persons and approved by IfATE. It replaces it with the power for apprenticeship assessment plans to be prepared by a group of persons and approved by the Secretary of State or prepared by the Secretary of State where the Secretary of State is satisfied that this is more appropriate.
- 22 In a similar way to the section dealing with standards, this section also enables the Secretary of State to convene a group of persons to prepare an apprenticeship assessment plan if they consider that such a plan should be prepared by a group (approved by the Secretary of State), and that no group would prepare the assessment plan unless the Secretary of State takes the step of convening a group for this purpose.
- 23 In a situation where the Secretary of State does not convene a group of persons to prepare an apprenticeship assessment plan, the Secretary of State will have a duty to provide information about matters that they will take into account when deciding that it would be more appropriate for them to prepare an apprenticeship assessment plan than a 'group of persons'.

Section 6: Reviews

- 24 Section 6 amends sections A2D8 and A2E of the 2009 Act, by removing the duty, at regular and published intervals, to review technical education qualifications, standards and apprenticeship assessment plans. This will enable reviews to continue, according to priorities and employers' needs. The sections, as amended, will still require the Secretary of State to maintain arrangements to review approved technical education qualifications, standards and apprenticeship assessment plans with a view to determining whether they should be revised or withdrawn (and whether qualifications should continue to be approved).

Section 7: Examinations by independent third parties

- 25 Section 7 amends section A2G of the 2009 Act.
- 26 It removes the duty for IfATE to make arrangements for an independent third party to carry out an examination of a standard or apprenticeship assessment plan.
- 27 It gives the power for the Secretary of State to make arrangements for an independent third party to carry out an examination of a standard or apprenticeship assessment plan.

Section 8: Accreditation of technical education qualification

- 28 Section 8 amends section 138 of the 2009 Act to allow Ofqual to decide whether or not there should be an accreditation requirement for approved technical education qualifications, or technical education qualifications that the Secretary of State is considering approving, where the Secretary of State has notified Ofqual that it may do so.

Section 9: Report on exercise of the Secretary of State's functions

- 29 Section 9 sets out that within six months of Section 3 coming into force (the provision that abolishes IfATE), the Secretary of State must lay before Parliament and publish a report about which of the functions previously held by IfATE will be exercised by an executive agency known as Skills England.

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- 30 The report must also include information about the impact of the exercise of the relevant functions (those transferred by the Act) on apprenticeships and technical education in England.

Section 10: Power to make consequential provision

- 31 Section 10 sets out that by regulations made by statutory instrument, the Secretary of State may make provision that is consequential on other provisions in the Act. Regulations may amend Acts passed before this Act or during the same session of Parliament as this Act. Regulations that amend primary legislation will be subject to the affirmative resolution procedure, while any other regulations (for example those only dealing with amendments to statutory instruments) may be made by way of the negative resolution procedure.

Section 11: Extent

- 32 The extent of the Act is as follows:

- Sections 1 to 7, 9 and Schedule 2 extend to England and Wales.
- Section 8 extends to England and Wales, and Northern Ireland.
- Sections 10 to 14 and Schedules 1 and 3 extend to England and Wales, Scotland and Northern Ireland.

Section 12: Commencement

- 33 This section states when the provisions of the Act will come into effect. Sections 1 to 8 and Schedules 1 to 3 of this Act will come into force on such day as the Secretary of State may by regulations appoint. The Secretary of State may appoint different days for different sections to come into force. The other provisions of the Act come into force the day on which the Act is passed.

Section 13: Transitional and saving provision

- 34 Section 13(1) and (2) are aimed at ensuring continuity in relation to things done by, or in relation to, IfATE when exercising its functions immediately prior to the transfer of these functions to the Secretary of State. They enable such matters to be treated as if they had been done by, or in relation to the Secretary of State, so that they continue to have effect when the functions are transferred to the Secretary of State. This means, for example, that standards, assessment plans and technical qualifications that were approved by IfATE immediately before these functions are transferred to the Secretary of State, may be treated as having been approved by the Secretary of State.
- 35 Section 13(3) enables the Secretary of State to continue things that were in the process of being done by or in relation to IfATE immediately before the function was transferred. This means, for example, that a standard, assessment plan or technical education qualification that was submitted to IfATE for approval, may continue to be considered by the Secretary of State (even though they were not submitted to the Secretary of State).
- 36 Further transitional or saving provision that may be necessary in relation to the coming into force of provisions of the Act may be made by the Secretary of State by way of regulations, which can make different provision for different purposes.

Section 14: Short Title

- 37 The short title of the Act is the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2025.

Schedule 1

Transfer of functions

- 38 Schedule 1 makes amendments to the 2009 Act, to reflect the transfer of functions from IfATE to the Secretary of State, as follows.
- 39 Paragraph 2 removes the requirement for the Secretary of State to notify IfATE of any categories that are determined, under subsection 2 of ZA9 (occupational categories).
- 40 Paragraphs 3 to 31 of Schedule 1 amend the 2009 Act by substituting IfATE for the Secretary of State and making other minor amendments to ensure that the legislation is coherent. These amendments have the effect of giving the Secretary of State functions in relation to apprenticeships and technical education.
- 41 Paragraph 14 of Schedule 1 amends the 2009 Act by substituting IfATE for the Secretary of State and gives the Secretary of State the power to charge fees in connection with approvals of technical qualifications under section A2D5. The level of fees will be determined in accordance with regulations. Any fees would be charged on a cost-recovery basis.
- 42 Paragraphs 32 to 35 make changes to the Housing and Regeneration Act 2008, the Enterprise Act 2016, the Technical and Further Education Act 2017 and Skills and Post-16 Education Act 2022 to omit provisions that refer to IfATE or to replace IfATE with the Secretary of State, where appropriate.

Schedule 2

Transfer of property etc

- 43 Schedule 2 enables the Secretary of State to make one or more transfer schemes to transfer property, rights and liabilities from IfATE to the Secretary of State.
- 44 It specifies the things that can be included in a transfer scheme.
- 45 Paragraph 4 enables a transfer scheme to be modified (by agreement) and for such modifications to have effect from when the original scheme came into effect.

Schedule 3

Abolition: Consequential amendments

- 46 Schedule 3 makes provision in consequence of the abolition of IfATE, by removing references to it in the 2009 Act, the Superannuation Act 1972, the Freedom of Information Act 2000, the Enterprise Act 2016, the Technical and Further Education Act 2017 and the Skills and Post-16 Education Act 2022.

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Commencement

47 Section 12 makes provision concerning the commencement of the sections of the Act.

Related documents

48 The following documents are relevant to the Act and can be read at the stated locations:

- [Institute for Apprenticeships and Technical Education \(Transfer of Functions etc\) Bill - policy summary notes](#) (10 October 2024)
- [Skills England report: driving growth and widening opportunities - GOV.UK \(www.gov.uk\)](#) (24 September 2024)
- [Written statements - Written questions, answers and statements - UK Parliament](#) (22 July 2024)

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Annex A - Territorial extent and application in the United Kingdom

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Sections 1 – 9 Schedule 2	Yes	No	No	No*
Sections 10-14	Yes	No*	No**	No*
Schedule 1	Yes	No*	No*	No*
Schedule 3	Yes	No*	No*	No*

*Section 8 has only minor or consequential effect in England and Wales, and Northern Ireland.

**Sections 10 to 14 and Schedules 1 and 3 have only minor or consequential effect in England, Wales, Scotland and Northern Ireland.

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Annex B - Hansard References

49 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
<i>House of Lords</i>		
Introduction	9 October 2024	Vol. 839 Col. 2008 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
Second Reading	22 October 2024	Vol. 840 Col. 578 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
Grand Committee	21 November 2024	Vol. 841 Col. 83GC Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
	26 November 2024	Vol. 841 Col. 176GC Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
Report	5 February 2025	Vol. 843 Col. 728 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
Third Reading	11 February	Vol. 843 Col. 1111 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
<i>House of Commons</i>		
Introduction	12 February 2025	Votes and Proceedings – Lords Message
Second Reading	25 February 2025	Vol. 762 Col. 677 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
Public Bill Committee	13 March 2025	First sitting. Column 1. Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
	20 March 2025	Second sitting. Column 27 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament Third sitting. Column 61 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament Fourth sitting. Column 83 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament

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Stage	Date	Hansard Reference
Report and Third Reading	31 March 2025	Vol. 765 Col. 78 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
Lords Consideration of Commons Amendments	30 April 2025	Vol. 845 Col. 1243 Institute for Apprenticeships and Technical Education - Hansard - UK Parliament
Royal Assent	15 May 2025	House of Commons Vol. 767 Col. 499 Royal Assent - Hansard - UK Parliament
		House of Lords Vol. 845 Col. 2313 Royal Assent - Hansard - UK Parliament

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Annex C - Progress of Bill Table

50 This Annex shows how each section and Schedule of the Act was numbered during the passage of the Act through Parliament.

Section of the Act	Bill as Introduced in the Lords	Bill as amended in Committee in the Lords	Bill as amended on Report in the Lords	Bill as introduced in the Commons	Bill as amended in Committee in the Commons
Section 1	Clause 1	Clause 1	Clause 1	Clause 1	Clause 1
Section 2	Clause 2	Clause 2	Clause 2	Clause 2	Clause 2
Section 3	Clause 3	Clause 3	Clause 3	Clause 3	Clause 3
Section 4	Clause 4	Clause 4	Clause 4	Clause 4	Clause 4
Section 5	Clause 5	Clause 5	Clause 5	Clause 5	Clause 5
Section 6	Clause 6	Clause 6	Clause 6	Clause 6	Clause 6
Section 7	Clause 7	Clause 7	Clause 7	Clause 7	Clause 7
Section 8	Clause 8	Clause 8	Clause 8	Clause 8	Clause 8
Section 9	-	-	Clause 9	Clause 9	Clause 9
Section 10	Clause 9	Clause 9	Clause 10	Clause 10	Clause 10
Section 11	Clause 10	Clause 10	Clause 11	Clause 11	Clause 11
Section 12	Clause 11	Clause 11	Clause 12	Clause 12	Clause 12
Section 13	Clause 12	Clause 12	Clause 13	Clause 13	Clause 13
Section 14	Clause 13	Clause 13	Clause 14	Clause 14	Clause 14
Schedule 1	Schedule 1	Schedule 1	Schedule 1	Schedule 1	Schedule 1
Schedule 2	Schedule 2	Schedule 2	Schedule 2	Schedule 2	Schedule 2
Schedule 3	Schedule 3	Schedule 3	Schedule 3	Schedule 3	Schedule 3

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Published by TSO (The Stationery Office), a Williams Lea company,
and available from:

Online

www.tsoshop.co.uk

Mail, Telephone & E-mail

TSO

PO Box 29, Norwich, NR3 1GN

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ISBN 978-0-10-560436-5



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