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STATUTORY INSTRUMENTS

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**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(1) 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(2) 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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(1) 2009 c. 22.  
(2) S.I. 2010/303, amended by SI 2010/1172.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## 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.