

2012 No. 844

**EMPLOYMENT AND TRAINING, ENGLAND AND
WALES**

**The Apprenticeships (Form of Apprenticeship Agreement)
Regulations 2012**

<i>Made</i> - - - -	<i>15th March 2012</i>
<i>Laid before Parliament</i>	<i>16th March 2012</i>
<i>Coming into force</i> - -	<i>6th April 2012</i>

The Secretary of State for Business, Innovation and Skills makes the following Regulations in exercise of the powers conferred by sections 32(2)(b), 36(4) and 262(1) of the Apprenticeships, Skills, Children and Learning Act 2009(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Apprenticeships (Form of Apprenticeship Agreement) Regulations 2012 and come into force on 6th April 2012.

(2) In these Regulations—

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

“the 1996 Act” means the Employment Rights Act 1996(b).

Form of the apprenticeship agreement

2.—(1) The prescribed(c) form of an apprenticeship agreement for the purposes of section 32(2)(b) of the Act is—

- (a) a written statement of particulars of employment given to an employee for the purposes of section 1 of the 1996 Act; or
- (b) a document in writing in the form of a contract of employment or letter of engagement where the employer’s duty under section 1 of the 1996 Act is treated as met for the purposes of section 7A(d) of the 1996 Act.

(2) An apprenticeship agreement must include a statement of the skill, trade or occupation for which the apprentice is being trained under the apprenticeship framework.

(3) This regulation does not apply where regulation 4 applies.

(a) 2009 c.22.

(b) 1996 c. 18.

(c) “Prescribed” means prescribed in regulations. See section 264(1) of the Act.

(d) Section 7A was inserted by section 37 of the Employment Act 2002 (c. 22).

Form of the apprenticeship agreement for Crown servants and Parliamentary staff

3.—(1) For the purposes of persons falling within section 36(1)(a) and (c)(ii) of the Act, regulation 2 applies, subject to the following provisions.

(2) In relation to an apprenticeship agreement under which a person undertakes Crown employment, a reference to—

- (a) a contract of service shall be construed as a reference to the terms of employment of an apprentice in Crown employment;
- (b) an apprentice shall be construed as a reference to an apprentice in Crown employment.

(3) In relation to an apprenticeship agreement under which a person undertakes employment as a relevant member of the House of Commons staff, a reference to—

- (a) a contract of service shall be construed as including a reference to the terms of employment of a relevant member of the House of Commons staff;
- (b) an apprentice shall be construed as a reference to a relevant member of the House of Commons staff;
- (c) an employer will be to—
 - (i) the House of Commons Commission, for a person appointed by the Commission; or
 - (ii) the Speaker, for a member of the Speaker's personal staff and any person employed in the refreshment department, where that person was not appointed by the Commission.

Form of the apprenticeship agreement for persons who are members of the naval, military or air forces of the Crown

4. For the purposes of persons falling within section 36(1)(b) of the Act, the prescribed form of an apprenticeship agreement for the purposes of section 32(2)(b) is the agreement signed by the member of the naval, military or air forces of the Crown which specifies the name of the apprenticeship framework.

15th March 2012

Mark Prisk
Minister of State for Business and Enterprise
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the form of the apprenticeship agreement for England and Wales under section 32 of that Act. Save where regulation 4 applies, an apprenticeship agreement must include the provisions contained in regulation 2.

Regulation 3 makes separate provision for apprenticeship agreements in relation to Crown servants and House of Commons staff.

Regulation 4 makes separate provision for members of the armed forces.

A full impact assessment has been produced for this instrument. Analysis showed that this measure will have no cost to business because it utilises existing legislation. The proposed measure has been approved by the Regulatory Policy Committee and approved by Ministers. A micro business exemption waiver has been granted.

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STATUTORY INSTRUMENTS

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