Draft Regulations laid before Parliament under section 17(5) of the Cities and Local Government Devolution Act 2016 (c. 1), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

LOCAL GOVERNMENT, ENGLAND

EDUCATION, ENGLAND

The Surrey County Council (Adult Education Functions) Regulations 2026

Made - - - - ***

Coming into force in accordance with regulation 1(1)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 16(1)(a), (2)(a), (3)(a) and (b) and (7) and 17(2)(b) and (c) of the Cities and Local Government Devolution Act 2016(**a**) ("the 2016 Act").

In accordance with section 17(1) of the 2016 Act(**b**)—

(a) Surrey County Council(**c**) has consented to the making of these Regulations, and

(b) the Secretary of State considers that the making of these Regulations is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area to which these Regulations relate.

In accordance with section 17(6) of the 2016 Act, the Secretary of State has laid before Parliament a report explaining the effect of these Regulations and why the Secretary of State considers it appropriate to make these Regulations.

A draft of these Regulations has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 17(5) of the 2016 Act.

(**a**) 2016 c. 1.
(**b**) Section 17(1) was amended by sections 72(6) and 73(a) of the Levelling-up and Regeneration Act 2023 (c. 55).
(**c**) Surrey County Council is a non-metropolitan county council established with effect from 1st April 1974 by section 1(1) and (2) and Part 2 of Schedule 1 to the Local Government Act 1972 (c. 70).

PART 1

General

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Surrey County Council (Adult Education Functions) Regulations 2026 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales.

(3) Part 2 of these Regulations applies only in relation to the provision of education or training in an academic year beginning on or after 1st August 2026.

(4) In paragraph (3), "academic year" means a period beginning with 1st August and ending with the next 31st July.

Interpretation

2. In these Regulations—

"the 2009 Act" means the Apprenticeships, Skills, Children and Learning Act 2009(**a**);

"apprenticeship training" has the meaning given by section 83(5) of the 2009 Act(**b**);

"the Area" means the area of the Local Authority;

"the Local Authority" means Surrey County Council;

"person subject to adult detention" is to be construed in accordance with section 121(4) of the 2009 Act.

PART 2

Adult education functions of the Secretary of State transferred to the Local Authority or to be exercisable concurrently with the Local Authority

Transfer of functions from the Secretary of State to the Local Authority in relation to the Area

3.—(1) Subject to paragraph (2), the functions of the Secretary of State set out in the following provisions of the 2009 Act are exercisable by the Local Authority in relation to the Area—

(a) section 86 (education and training for persons aged 19 or over)(**c**),

(b) section 87 (learning aims for persons aged 19 or over: provision of facilities)(**d**), and

(c) section 88 (learning aims for persons aged 19 or over: payment of tuition fees)(**e**).

(2) The functions mentioned in paragraph (1) do not include—

(**a**) 2009 c. 22.
(**b**) Section 83(5) was amended by paragraph 17 of Schedule 1 to the Deregulation Act 2015 (c. 20).
(**c**) Section 86 was amended by paragraph 7 of Schedule 18 to the Education Act 2011 (c. 21), paragraph 90 of Schedule 3 to the Children and Families Act 2014 (c. 6) and paragraph 9 of Schedule 14 to the Deregulation Act 2015 (c. 20).
(**d**) Section 87 was amended by paragraph 91 of Schedule 3 to the Children and Families Act 2014 (c. 6) and paragraph 10 of Schedule 14 to the Deregulation Act 2015 (c. 20).
(**e**) Section 88 was amended by section 73 of the Education Act 2011 (c. 21), paragraph 11 of Schedule 14 to the Deregulation Act 2015 (c. 20) and section 114(2) of the Digital Economy Act 2017 (c. 30).

(a) any functions relating to apprenticeship training,

(b) any functions relating to persons subject to adult detention, or

(c) any power to make regulations or orders.

(3) The functions mentioned in paragraph (1) are exercisable by the Local Authority instead of by the Secretary of State.

Functions of the Secretary of State to be exercisable concurrently with the Local Authority in relation to the Area

4.—(1) Subject to paragraphs (2), (3) and (4), the functions of the Secretary of State set out in the following provisions of the 2009 Act are exercisable by the Local Authority in relation to the Area—

(a) section 90 (encouragement of education and training for persons aged 19 or over)(**a**),

(b) section 100(1) (provision of financial resources)(**b**), and

(c) section 100(1B) (provision of financial resources in connection with approved technical education qualifications or approved steps towards occupational competence).

(2) The functions mentioned in paragraph (1) do not include any functions relating to persons subject to adult detention.

(3) The functions mentioned in paragraph (1)(a) and (b) do not include any functions relating to apprenticeship training.

(4) The function mentioned in paragraph (1)(c) does not include any function relating to a person who, at the time of starting a course of study for an approved technical education qualification or starting to take approved steps towards occupational competence, is—

(a) aged under 19, or

(b) aged under 25 and for whom an EHC Plan is maintained.

(5) In paragraph (4), an "EHC Plan" means a plan within the meaning of section 37(2) of the Children and Families Act 2014(**c**).

(6) The functions mentioned in paragraph (1) are exercisable concurrently with the Secretary of State.

Conditions on the exercise of functions mentioned in regulations 3 and 4

5.—(1) Where the Local Authority adopts rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the 2009 Act, it must adopt such rules in accordance with any direction given by the Secretary of State.

(2) In exercising the functions mentioned in regulations 3 and 4, the Local Authority must have regard to guidance, issued by the Secretary of State for the purpose of this regulation, as amended from time to time or as replaced by a subsequent document(**d**).

(**a**) Section 90 was amended by paragraph 20 of Schedule 1 and paragraph 12 of Schedule 14 to the Deregulation Act 2015 (c. 20).

(**b**) Section 100 was amended by paragraph 9 of Schedule 18 to the Education Act 2011 (c. 21); paragraph 2 of Schedule 1 and paragraph 13 of Schedule 14 to the Deregulation Act 2015 (c. 20); section 27 of the Enterprise Act 2016 (c. 12); paragraph 29 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19); sections 12 and 13 of the Skills and Post-16 Education Act 2022 (c. 21); paragraph 195 of Schedule 4 to the Levelling-up and Regeneration Act 2023 (c. 55); S.I. 2018/1141 and S.I. 2025/603. Section 100(1B) was inserted by paragraph 29(2) of Schedule 1 to the Technical and Further Education Act 2017. There are other amendments to section 100 not relevant to these Regulations.

(**c**) 2014 c. 6. Section 37(2) was amended by S.I. 2015/914.

(**d**) This is available at the following link: https://www.gov.uk/government/publications/exercising-devolved-adult-education-functions and available for inspection at reasonable times at the offices of the Department for Work and Pensions, Caxton House, Tothill Street, London SW1H 9NA.

(3) In paragraph (1), "award" has the same meaning as in regulation 2 of the Education (Fees and Awards) (England) Regulations 2007(**a**).

Modification of provisions in the 2009 Act

6. For the purpose of the exercise by the Local Authority of the functions mentioned in regulations 3 and 4, sections 86 to 88, 90, 100, 101, 103, 115 and 121 of the 2009 Act apply in relation to the Local Authority with the modifications set out in the Schedule.

Signed by authority of the Secretary of State for Work and Pensions

Name
Minister of State
Department for Work and Pensions

(**a**) S.I. 2007/779, to which there are amendments not relevant to these Regulations.

SCHEDULE

Regulation 6

Modification of provisions in the 2009 Act in their application to the Local Authority

1. Section 86 has effect as if—

(a) in subsection (1), for each reference to "Secretary of State" there were substituted "Local Authority",

(b) subsection (1)(b) were omitted but not "and" at the end,

(c) in subsection (1)(c), for "paragraphs (a) and (b)", there were substituted "paragraph (a)",

(d) in subsection (5), "(except so far as relating to facilities for persons subject to adult detention)" were omitted,

(e) in subsection (6), in the definition of "training", paragraph (c) were omitted, and

(f) in subsection (7), "or (b)" were omitted.

2. Section 87 has effect as if for each reference to "Secretary of State", there were substituted "Local Authority".

3. Section 88 has effect as if in subsections (1), (2)(b), (2A), (3), (4)(b) and (6)(a) for each reference to "Secretary of State", there were substituted "Local Authority".

4. Section 90 has effect as if—

(a) in subsection (1), for the first reference to "Secretary of State", there were substituted "Local Authority",

(b) in subsection (1)(a), for "section 86(1)(a) and (b)", there were substituted "section 86(1)(a)", and

(c) in subsection (1)(a), (b) and (c) for each reference to "Secretary of State's remit", there were substituted "Local Authority's remit".

5. Section 100 has effect as if—

(a) in subsection (1), for the reference to "Secretary of State", there were substituted "Local Authority",

(b) in subsection (1)(a), for the reference to "Secretary of State's remit" there were substituted "Local Authority's remit",

(c) in subsection (1B), for the reference to "Secretary of State" there were substituted "Local Authority",

(d) in subsection (3), for each reference to "Secretary of State" there were substituted "Local Authority", and

(e) in subsection (4), for the reference to "Secretary of State" there were substituted "Local Authority".

6. Section 101(**a**) has effect as if for each reference to "Secretary of State" there were substituted "Local Authority".

(**a**) Section 101 was amended by paragraph 3 of Schedule 1 and paragraph 14 of Schedule 14 to the Deregulation Act 2015 (c. 20), and section 2 of the Education and Training (Welfare of Children) Act 2021 (c. 16).

7. Section 103(**a**) has effect as if—

(a) for the reference to "Secretary of State" there were substituted "Local Authority", and

(b) "or (1A)" were omitted.

8. Section 115(**b**) has effect as if—

(a) for the reference to "Secretary of State", there were substituted "Local Authority",

(b) in subsection (2)(a), ", and" were omitted, and

(c) in subsection (2), paragraph (b) were omitted.

9. Section 121(**c**) has effect as if—

(a) in subsection (1), there were inserted at the appropriate place—

""Local Authority" means Surrey County Council;",

(b) in subsection (2)—

(i) for the reference to "Secretary of State's remit", there were substituted "Local Authority's remit", and

(ii) in paragraph (a), "or (b)" were omitted, and

(c) in subsection (3)—

(i) for the reference to "Secretary of State's remit", there were substituted "Local Authority's remit", and

(ii) paragraphs (a) and (aa) were omitted.

(**a**) Section 103 was amended by paragraph 4 of Schedule 1 and paragraph 16 of Schedule 14 to the Deregulation Act 2015 (c. 20).

(**b**) Section 115 was amended by paragraph 93 of Schedule 3 to the Children and Families Act 2014 (c. 6) and paragraph 23 of Schedule 14 to the Deregulation Act 2015 (c. 20).

(**c**) Section 121 was amended by paragraph 12 of Schedule 18 to the Education Act 2011 (c. 21); paragraph 22 of Schedule 1, and paragraph 27 of Schedule 14 to the Deregulation Act 2015 (c. 20); paragraph 30 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19) and sections 12 and 13 of the Skills and Post-16 Education Act 2022 (c. 21).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the conferral of certain adult education functions of the Secretary of State under the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) ("the 2009 Act") on Surrey County Council ("the Council").

Regulation 1 provides that the conferral of functions under Part 2 only applies to education or training provided in an academic year beginning on or after 1st August 2026.

Regulation 3 provides for the transfer to the Council of adult education functions under sections 86 to 88 of the 2009 Act, with some exceptions. The transferred functions are exercisable by the Council instead of by the Secretary of State in relation to the area of the Council.

Regulation 4 provides for the functions of the Secretary of State under section 90 of the 2009 Act (relating to the encouragement of education and training for persons aged 19 or over) and under section 100(1) and (1B) of that Act (relating to the provision of financial resources) to be exercisable by the Council concurrently with the Secretary of State in relation to the area of the Council.

Regulation 5 sets conditions on the exercise of the functions mentioned in regulations 3 and 4. Where the Council adopts rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the 2009 Act, it must adopt such rules in accordance with any direction given by the Secretary of State. In addition, in exercising the transferred functions, the Council must have regard to guidance issued by the Secretary of State.

Regulation 6 and the Schedule apply certain provisions of the 2009 Act with modifications to the Council for the purpose of it exercising the functions conferred on it by regulations 3 and 4.

A full regulatory impact assessment has not been prepared as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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