Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

LOCAL GOVERNMENT, ENGLAND

EDUCATION, ENGLAND

The York and North Yorkshire Combined Authority (Adult Education Functions) Order 2025

Made - - - - ***

Coming into force in accordance with article 1(1)

The Secretary of State makes this Order in exercise of the powers conferred by sections 105A(1)(a), (2)(a), (3)(a) and (b) and (7), 114(1) and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(**a**) ("the Act").

In accordance with section 105B(1)(a)(ii)(**b**) of the Act, a proposal for the making of this Order in relation to the transfer of functions in sections 86(**c**), 87(**d**), 88(**e**), 90(**f**) and 100(1)(**g**) of the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") has been made to the Secretary of State pursuant to section 112A of the Act(**h**) ("the proposal"). In making this Order, the Secretary of State—

(a) has had regard to the proposal, in accordance with section 113(1A) of the Act(**i**),

(**a**) 2009 c. 20. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016 (c. 1) ("the 2016 Act"). Section 117(5) was inserted by paragraph 29 of Schedule 5 to the 2016 Act.
(**b**) Section 105B was inserted by section 7 of the Cities and Local Government Devolution Act 2016 (c. 1) and amended by sections 67(2) and (4) of the Levelling-up and Regeneration Act 2023 (c. 55).
(**c**) 2009 c. 22. 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 and paragraph 10 of Schedule 14 to the Deregulation Act 2015.
(**e**) Section 88 was amended by section 73 of the Education Act 2011, paragraph 11 of Schedule 14 to the Deregulation Act 2015 and section 114(2) of the Digital Economy Act 2017 (c. 30).
(**f**) Section 90 was amended by paragraph 20 of Schedule 1 and paragraph 12 of Schedule 14 to the Deregulation Act 2015.
(**g**) Section 100 was amended by paragraph 9 of Schedule 18 to the Education Act 2011; paragraph 2 of Schedule 1 and paragraph 13 of Schedule 14 to the Deregulation Act 2015; section 27 of the Enterprise Act 2016 (c. 12); paragraph 29 of Schedule 1 to the Technical and Further Education Act 2017 (c. 19); section 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 and S.I. 2018/1141.
(**h**) Section 112A was inserted by section 66 of the Levelling-up and Regeneration Act 2023.
(**i**) Section 113 was amended by sections 12(6) and 14(8) of the Cities and Local Government Devolution Act 2016 and by section 66 of the Levelling-up and Regeneration Act 2023.

(b) considers that this Order will achieve the purposes specified in the proposal in accordance with sections 112A(9) and 113(1)(ab) of the Act, and

(c) considers that, in view of the consultation carried out in relation to the proposal(**a**), no further consultation is necessary in accordance with section 113(1)(b) of the Act.

In relation to the transfer of the function specified in section 100(1B)(**b**) of the 2009 Act—

(a) in accordance with section 105B(1)(b) of the Act, the councils for the local government areas of North Yorkshire and the City of York, and the York and North Yorkshire Combined Authority, have consented to the making of this Order and the Secretary of State considers that the making of this Order 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 this Order relates, and

(b) in accordance with section 113(1)(b) and (2) of the Act, the Secretary of State has carried out a public consultation(**c**).

In accordance with section 113(1) of the Act, the Secretary of State considers that the making of this Order—

(a) 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 this Order relates, and

(b) is appropriate having regard to the need to secure effective and convenient local government and to reflect the identities and interests of local communities.

In accordance with section 105B(9) of the Act, the Secretary of State has laid before Parliament a report explaining the effect of this Order and explaining why the Secretary of State considers it appropriate to make this Order.

A draft of this Order has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the Act(**d**).

PART 1

General

Citation, commencement, extent and application

1.—(1) This Order may be cited as the York and North Yorkshire Combined Authority (Adult Education Functions) Order 2025 and comes into force on the day after the day on which it is made.

(**a**) For the purposes of section 113(2) of the Act, the constituent councils of the York and North Yorkshire Combined Authority carried out a public consultation in connection with the establishment of the combined authority and its functions, which included the functions set out in the proposal. They undertook an eight-week public consultation between 21 October and 16 December 2022, and the Secretary of State has been provided with a summary of the consultation responses.

(**b**) Section 100(1B) was inserted by paragraph 29(2) of Schedule 1 to the Technical and Further Education Act 2017.

(**c**) The Secretary of State conducted a four-week public consultation between 8 November 2024 and 6 December 2024 on transferring the funding power in section 100(1B) of the Apprenticeships, Skills, Children and Learning Act 2009 to combined authorities and combined county authorities.

(**d**) Section 117(2) was substituted by section 13(2) of the Localism Act 2011 (c. 20).

(2) This Order extends to England and Wales.

(3) Part 2 of this Order applies only in relation to the provision of education or training in an academic year beginning on or after 1st August 2025.

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

Interpretation

2. In this Order—

"the 2009 Act" means the Apprenticeships, Skills, Children and Learning Act 2009;

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

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

"the Combined Authority" means the York and North Yorkshire Combined Authority, a body corporate established by article 3 of the York and North Yorkshire Combined Authority Order 2023(**b**);

"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 Combined Authority or to be exercisable concurrently with the Combined Authority

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

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

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

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

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

(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 Combined Authority instead of by the Secretary of State.

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

(**a**) Section 83(5) was amended by paragraph 17 of Schedule 1 to the Deregulation Act 2015.
(**b**) S.I. 2023/1432.

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

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

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

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

5.—(1) Where the Combined 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 articles 3 and 4, the Combined Authority must have regard to guidance issued by the Secretary of State for the purpose of this article (as amended from time to time or as replaced by a subsequent document)(**b**).

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

Modification of provisions in the 2009 Act

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

Minister of State
Department for Education

(**a**) Section 37(2) was amended by S.I. 2015/914.
(**b**) 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 Education, 20 Great Smith Street, London SW1P 3BT.
(**c**) S.I. 2007/779, to which there are amendments not relevant to this Order.

SCHEDULE

Article 6

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

1. All references to provisions in this Schedule are to provisions in the 2009 Act.

2. Section 86 has effect as if—

(a) in subsection (1), for each reference to "Secretary of State" there were substituted "Combined 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), the words "(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), the words "or (b)" were omitted.

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

4. 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 "Combined Authority".

5. Section 90 has effect as if—

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

6. Section 100 has effect as if—

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

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

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

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

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

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

8. Section 103(**b**) has effect as if—

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

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

9. Section 115(**c**) has effect as if—

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

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

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

10. Section 121(**d**) has effect as if—

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

> ""Combined Authority" means the York and North Yorkshire Combined Authority, a body corporate established under the York and North Yorkshire Combined Authority Order 2023;",

(b) in subsection (2)—

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

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

(c) in subsection (3)—

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

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

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

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

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

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of certain adult education functions of the Secretary of State under the Apprenticeships, Skills, Children and Learning Act 2009 ("the 2009 Act") on the York and North Yorkshire Combined Authority ("the Combined Authority").

Article 1 of the Order 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 2025.

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

Article 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 Combined Authority concurrently with the Secretary of State in relation to the area of the Combined Authority.

Article 5 sets conditions on the exercise of the functions mentioned in articles 3 and 4. Where the Combined 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. In addition, in exercising the transferred functions, the Combined Authority must have regard to guidance issued by the Secretary of State.

Article 6 and the Schedule to the Order apply certain provisions of the 2009 Act with modifications to the Combined Authority for the purpose of the Combined Authority exercising the functions conferred on it by articles 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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