EXPLANATORY MEMORANDUM TO

THE INSTITUTE FOR APPRENTICESHIPS AND TECHNICAL EDUCATION (TRANSFER OF FUNCTIONS ETC) ACT 2025 (CONSEQUENTIAL AMENDMENTS) REGULATIONS 2025

2025 No. 660

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Baroness Smith, Minister for Skills at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

2.2 Rosie Milton, Deputy Director for Skills England Set Up, at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Craig Thorley at the Department for Education, or email craig.thorley@education.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This legislation will make consequential amendments to the Education (Student Support) Regulations 2011/1986, the Trade Union (Facility Time Publication Requirements) Regulations 2017/328, the Apprenticeships (Miscellaneous Provisions) Regulations 2017/1310, and the Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2024/143.

4.2 These are technical amendments that are necessary following the passage of the Institute for Apprenticeships and Technical Education (Transfer of Functions etc) Act 2025 ("the 2025 Act").

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, save where this instrument amends a statutory instrument which has a wider extent. In that case, the extent of this instrument will match the wider extent of the instrument being amended.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 The 2025 Act abolished the Institute for Apprenticeships and Technical Education (IfATE) and transferred its functions to the Secretary of State. Many of these functions will now be exercised by an executive agency called Skills England.

5.2 As a result of IfATE being abolished, and its functions being transferred, we need to remove references to IfATE from legislation and replace references to IfATE with Secretary of State where the Secretary of State has taken on those functions from IfATE.

5.3 These changes will ensure that legislation is updated and is coherent and does not refer to a statutory body which no longer exists.

What was the previous policy, how is this different?

5.4 This instrument does not represent a change in policy. This legislation will make consequential amendments that are necessary as a result of the abolition of IfATE and transfer of functions from IfATE to the Secretary of State. This ensures that the statute book remains coherent.

6. Legislative and Legal Context

How has the law changed?

6.1 Replace reference to "The Institute for Apprenticeships and Technical Education" with "Secretary of State" in reg 2 and reg 2B(2) of the Education (Student Support) Regulations 2011/1986.

6.2 Remove references to "The Institute for Apprenticeships and Technical Education" from para.119 of Part 5 of Schedule 1 to the Trade Union (Facility Time Publication Requirements) Regulations 2017/32.

6.3 Repeal of Part 3 (reg 7), which permitted IfATE to charge fees for the carrying out of evaluations of apprenticeship assessments, in the Apprenticeships (Miscellaneous Provisions) Regulations 2017/1310.

6.4 Replace references to "approved standards" with "published standards" in the Apprenticeships (Miscellaneous Provisions) Regulations 2017/1310 in regs 3(3), 4(2)(c), 5(2)(e) and 6.

6.5 Remove references to "The Institute for Apprenticeships and Technical Education" at para 121 of Part 5 of the Schedule to the Trade Union (Deduction of Union Subscriptions from Wages in the Public Sector) Regulations 2024/143.

Why was this approach taken to change the law?

6.6 Legislating is the only possible approach to making the proposed changes, as amendments introduced by the 2025 Act require technical and consequential amendments to be made.

7. Consultation

Summary of consultation outcome and methodology

7.1 A consultation for this instrument was not undertaken. This is because the instrument makes amendments that are entirely technical and consequential on amendments made by the 2025 Act.

8. Applicable Guidance

8.1 Guidance will not be required due to the technical nature of this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the changes introduced are purely technical and consequential in nature and do not meet the Better Regulation Framework's definition of 'regulatory provisions'. The changes do not change what businesses are required or permitted to do, i.e. do not impose or amend requirements, restrictions, or conditions.

9.2 Therefore, an Impact Assessment or de minimis assessment will not be required under the Better Regulation Framework. Further, even if the changes were in scope, the aggregate impacts would likely be minor due to technical nature of the changes and only a few businesses being affected by them.

Impact on businesses, charities and voluntary bodies

9.3 There is no, or no significant, impact on business, charities or voluntary bodies because this instrument predominantly concerns technical and consequential amendment intended to ensure that the apprenticeships and technical education regime continues to operate as it currently does.

9.4 The legislation does not impact small or micro businesses.

9.5 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There are no plans for monitoring or reviewing this instrument as we believe that we have identified all of the consequential amendments that are needed as a result of the 2025 Act.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").