

# **EDUCATION AND TRAINING (SCOTLAND) ACT 2000**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### ***Section 1: Grants***

4. This section permits regulations to be made by the Scottish Ministers allowing grants to be paid to or in respect of individuals. Grants may be payable to three categories of individuals: those who are parties to “qualifying arrangements”; those who hold a “qualifying account”; and those who are parties to “qualifying arrangements” **and** hold a “qualifying account”. This third option would enable the Scottish Ministers to require that persons who have an account must also be party to an arrangement in order to receive grants. Both the accounts and the arrangements are likely to be referred to as “learning accounts”.
5. **Section 2** of the Act deals with “qualifying arrangements”. “Qualifying accounts” will be established on a UK-wide basis through the Learning and Skills Act 2000. Section 104 of the Learning and Skills Act, which extends to Scotland, provides the Secretary of State with power to specify conditions to be satisfied in order for accounts based on a tied financial product to qualify for the payment of grants. This has been dealt with through the Learning and Skills Act because it relates to the reserved matter of financial instruments. However, powers under section 104 are to be exercisable in or as regards Scotland by the Scottish Ministers, subject to the control of the Scottish Parliament.
6. In practice, grants are likely to be delivered as financial incentives or discounts on eligible education or training costs. In general it is intended that these grants will be paid to the provider of the education or training in question rather than directly to the individual.
7. The power in this section will enable the Scottish Ministers to set out conditions relating to the payment of grants to be paid in regulations. In particular the regulations will be able to cover the following matters:
  - conditions applicable to the payment of grants, including repayment in specified circumstances (e.g. the course being cancelled or not running);
  - the amount of grants and when and how they are to be paid (e.g. levels of grant for particular types of learning activity);
  - how the grants system will operate (e.g. providing for grants to be paid directly to providers of education and training and specifying who has authority to pay the grants where they are not to be paid directly by the Scottish Ministers);
  - that a person who qualifies for a grant by being party to an arrangement which qualifies under section 2 of this Act and by holding an account which qualifies under the Learning and Skills Act cannot receive a grant under both in respect of the same period of time; and

*These notes relate to the Education and Training (Scotland)  
Act 2000 (asp 8) which received Royal Assent on 7 August 2000*

- the type of education and training eligible for grants and the providers that can offer such eligible education and training.
8. This section also enables the Scottish Ministers to renumber the references in this Act to sections of the Learning and Skills Act to reflect any changes that took place in the final legislative stage of the Learning and Skills Act.