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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 342**

**EDUCATION**

**The Education and Training (Scotland)  
Amendment Regulations 2000**

*Made* - - - - 28th September 2000  
*Laid before the Scottish  
Parliament* - - - - 29th September 2000  
*Coming into force* - - 6th November 2000

The Scottish Ministers, in exercise of the powers conferred on them by sections 1 and 3(2) of the Education and Training (Scotland) Act 2000<sup>(1)</sup> and of all other powers enabling them in that behalf hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education and Training (Scotland) Amendment Regulations 2000 and shall come into force on 6th November 2000.

(2) In these Regulations, “the principal Regulations” means the Education and Training (Scotland) Regulations 2000<sup>(2)</sup>.

**Amendment of the principal Regulations**

2.—(1) The principal Regulations shall be amended in accordance with the following paragraphs.

(2) In regulation 1(2)–

(a) there shall be deleted the word “and” where it appears after the definition of “learning account holder”; and

(b) there shall be added at the end–

“; and

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992<sup>(3)</sup>.”.

(3) For regulation 7(3) there shall be substituted the following:–

“(3) In addition to the grants specified in paragraph (1), the Scottish Ministers may pay to learning account holders–

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(1) 2000 asp 8.

(2) S.S.I. 2000/292.

(3) 1992 c. 4.

- (a) who meet the conditions specified in paragraphs (3A) and (3C) an additional grant in respect of any travel and subsistence costs; and
- (b) who meet the conditions specified in paragraphs (3B) and (3C) an additional grant in respect of any childcare costs,

incurred by the learning account holder as a result of his undertaking the relevant education or training.”.

(4) After regulation 7(3), there shall be inserted the following:–

“(3A) The condition specified in this paragraph is that–

- (a) the learning account holder is in receipt of one of the following:–
  - (i) a jobseeker’s allowance payable under Part I of the Jobseekers Act 1995(4);
  - (ii) income support payable under section 124 of the 1992 Act(5);
  - (iii) housing benefit payable under section 130 of the 1992 Act(6);
  - (iv) council tax benefit payable under section 131 of the 1992 Act(7);
  - (v) invalid care allowance payable under section 70 of the 1992 Act(8);
  - (vi) disability living allowance payable under section 71 of the 1992 Act(9);
  - (vii) working family tax credit payable under section 128 of the 1992 Act(10); or
- (b) the learning account holder’s spouse is in receipt of the said working family tax credit.

(3B) The condition specified in this paragraph is that the learning account holder is a parent who is not a member of a married or unmarried couple and is in receipt of one of the following:–

- (a) the family premium of income support payable under regulation 17(1)(c) of the Income Support (General) Regulations 1987(11);
- (b) the family premium of jobseeker’s allowance payable under regulation 83(d) of the Jobseeker’s Allowance Regulations 1996(12); or
- (c) working family tax credit payable under section 128 of the 1992 Act.

(3C) The condition specified in this paragraph is that the individual learning account holder resides within–

- (a) the Borders local government area; or
- (b) one of the following electoral wards of Highland Council(13):–
  - (i) Mallaig and Small Isles;
  - (ii) Kilmallie and Invergarry;

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(4) 1995 c. 18.

(5) Section 124 was amended by paragraph 30 of Schedule 2, and Schedule 3, of the Jobseekers Act 1995 (c. 18) and paragraph 28 of Schedule 8 of the Welfare Reform and Pensions Act 1999 (c. 30).

(6) Section 130 was amended by paragraph 3 of Schedule 9 of the Local Government Finance Act 1992 (c. 14); paragraph 174(4) of Schedule 13 of the Local Government etc. (Scotland) Act 1994 (c. 39) and Part VI of Schedule 19 of the Housing Act 1996 (c. 52).

(7) Section 131 was inserted by paragraph 4 of Schedule 9 of the Local Government Finance Act 1992 (c. 14).

(8) Section 70 was amended by regulation 2(3) of S.I.1994/2556.

(9) Section 71 was amended by section 67 of the Welfare Reform and Pensions Act 1999 (c. 30).

(10) Section 128 was amended by paragraph 33 of Schedule 2 of the Jobseekers Act 1995 (c. 18) and paragraphs 1 and 2 of Schedule 1 of the Tax Credits Act 1999 (c. 10).

(11) S.I. 1987/1967. Regulation 17(1) was amended by S.I. 1996/206 regulation 9.

(12) S.I. 1996/207.

(13) S.I. 1998/3248 establishes the electoral wards for Highland Council. Those listed in regulation 7(3C)(b), as inserted into the principal Regulations by regulation 2(4) of these Regulations, comprise electoral wards 73 to 80 as set out in the Schedule to that Order.

- (iii) Claggan and Glen Spean;
- (iv) Ardnamurchan and Morvern;
- (v) Caol;
- (vi) Fort William North;
- (vii) Fort William South; or
- (viii) Glencoe.”

(5) For regulation 7(4) there shall be substituted the following:–

“(4) The amount of any such additional grant as is specified in paragraph (3) and the manner and timing of payment shall be determined by the Scottish Ministers, and different amounts may be determined by the Scottish Ministers for different categories of learning account holder.”.

St Andrew’s House,  
Edinburgh  
28th September 2000

*NICOL STEPHEN*  
Authorised to sign by the Scottish Ministers

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace regulations 7(3) and (4), and make consequential changes to regulation 1(2), of, and insert new regulations 7(3A) (3C) into, the Education and Training (Scotland) Regulations 2000 (S.S.I. 2000/292) (“the principal Regulations”).

At present, regulation 7(3) of the principal Regulations provides that grants may be paid in respect of travel, accommodation or other costs incurred by a learning account holder as a result of his undertaking relevant education or training, subject to conditions of eligibility determined by the Scottish Ministers.

These Regulations replace the existing regulation 7(3) with a provision which provides that the Scottish Ministers may pay grants to learning account holders:

- (a) in respect of any travel and subsistence costs incurred as a result of undertaking relevant education or training, provided that they meet the conditions specified in the new regulations 7(3A) and (3C) (inserted by regulation 2(4)). The conditions specified in those regulations are that the learning account holder is in receipt of certain social security benefits (or, in the case of working families tax credit, whose spouse is in receipt of that benefit) and that he resides in either the Borders local government area or certain electoral wards of Highland Council (comprising the district of Lochaber); and
- (b) in respect of childcare costs incurred as a result of their undertaking relevant education or training, provided that they meet the conditions specified in the new regulations 7(3B) and (3C). The conditions specified in those regulations are that the learning account holder is a lone parent in receipt of certain social security benefits payable to families with children and the residence condition referred to in the preceding paragraph.

The residence condition for each of these grants is imposed because payment of these grants is being undertaken as a pilot scheme, and these areas have been chosen for the purposes of that scheme. It is intended that the operation of this pilot scheme will be reviewed within a year.

Regulation 2(5) substitutes a new regulation 7(4) into the principal Regulations which provides that the amount and manner of timing of payment of the grants referred to above shall be determined by the Scottish Ministers, and that different amounts may be determined for different categories of learning account holder. This provision differs from regulation 7(4) as originally enacted in that it omits the reference in the latter to the Scottish Ministers determining the conditions of eligibility for these grants. These conditions are now specified in regulations 7(3A) 3(C).