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SCOTTISH STATUTORY INSTRUMENTS

2012 No. 172

EDUCATION

The Individual Learning Account (Scotland) Amendment Regulations 2012

Made - - - -	*30th May 2012*
Laid before the Scottish Parliament - - - -	*31st May 2012*
Coming into force - -	*1st July 2012*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1, 2 and 3(2) of the Education and Training (Scotland) Act 2000(**1**) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Individual Learning Account (Scotland) Amendment Regulations 2012 and come into force on 1st July 2012.

Amendment of the Individual Learning Account (Scotland) Regulations 2011

2.—(1) The Individual Learning Account (Scotland) Regulations 2011(**2**) are amended as follows.

(2) In regulation 3 (qualifying persons (learning account holders))—

(a) in paragraph (1)(b), for "(2) to (4) and (6)" substitute "(2), (3), (4), (5A), (5B), (5C), (5D) and (6)"; and

(b) after paragraph (5) insert—

"(5A) The condition in this paragraph is that the person is not undertaking secondary education within the meaning of section 135(2)(b) of the Education (Scotland) Act 1980(**3**).

(5B) The condition in this paragraph is that the person does not hold a first degree or a postgraduate qualification from an educational institution in the United Kingdom

(**1**) 2000 asp 8. Section 1 was amended by regulation 10 of the Education and Training (Scotland) Regulations 2000 (S.S.I. 2000/292).
(**2**) S.S.I. 2011/107
(**3**) 1980 c.44. Section 135(2)(b) was amended by paragraph 3(13)(b) of schedule 3 to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4).

or a qualification comparable to a first degree or a postgraduate qualification from an educational institution outside the United Kingdom.

(5C) The condition in this paragraph is that the person is not undertaking—

(a) a course of further education (that is to say education provided by means of a course of any description mentioned in section 6(1) of the Further and Higher Education (Scotland) Act 1992(**4**)); or

(b) a course of higher education (that is to say education provided by means of a course of any description mentioned in section 38(2) of that Act).

(5D) The condition in this paragraph is that the person is not participating in a national training programme secured by The Skills Development Scotland Co. Limited.".

(3) In regulation 4(6)(a) (registration (learning account holders)), for "(2) to (4) and (6)" substitute "(2), (3), (4), (5A), (5B), (5C), (5D) and (6)".

(4) In regulation 10(2) (education and training for which grant can be paid), sub-paragraphs (a) and (b) are deleted.

(5) In regulation 12(3)(b)(ii) (grant: supplementary provision), for "(2) to (4) and (6)" substitute "(2), (3), (4), (5A), (5B), (5C), (5D) and (6)".

Savings and transitional provision

3. Any payments which are due to a Learning Account Holder in terms of the Individual Learning Account (Scotland) Regulations 2011 immediately prior to the coming into force of these Regulations continue to be payable for the remainder of the Account Holder's Year.

St Andrew's House,
Edinburgh
30th May 2012

ANGELA CONSTANCE
Authorised to sign by the Scottish Ministers

(**4**) 1992 c.37. Section 6(1) was amended by paragraph 8 of Schedule 5 to the Education (Scotland) Act 1996 (c.43).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Individual Learning Account (Scotland) Regulations 2011 ("the 2011 Regulations"). The amendments have the effect of changing requirements for Qualifying Persons within the meaning of the 2011 Regulations so that those in secondary education, further education or higher education, those participating in certain national training programmes, as well as those already qualified to degree level, will no longer be eligible for grant. These Regulations also make certain savings and transitional provision for those currently in receipt of grant (regulation 3).