
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 292

EDUCATION

The Education and Training (Scotland) Regulations 2000

Made - - - - - *21st August 2000*
Laid before the Scottish
Parliament - - - - - *22nd August 2000*
Coming into force - - - *1st September 2000*

The Scottish Ministers, in exercise of the powers conferred on them by sections 1, 2 and 3(2) of the Education and Training (Scotland) Act 2000⁽¹⁾ 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) Regulations 2000 and shall come into force on 1st September 2000.

(2) In these Regulations—

“account holder’s year” means the period of 12 months ending with the first anniversary of a learning account holder’s initial payment to a person providing education or training of the kind specified in regulation 6(1) for the provision of such education or training in respect of which the individual is eligible for a grant under these Regulations, and each subsequent period of 12 months;

“the Act” means the Education and Training (Scotland) Act 2000;

“European Economic Area” means the European Community and, subject to the conditions laid down in the Agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽²⁾, as adjusted by the Protocol signed at Brussels on 17th March 1993⁽³⁾, the area comprised by the Republic of Ireland, the Kingdom of Norway and the Principality of Liechtenstein;

“Learning Account administrator” means a body which has an approval given by the Scottish Ministers for the purposes of these Regulations which has not been withdrawn;

“learning account holder” means a person who is a party to qualifying arrangements as specified in regulation 2; and

“qualifying person” has the meaning given in regulation 3.

(1) 2000 asp 8.
(2) Cm 2073.
(3) Cm 2183.

Qualifying arrangements

- 2.—(1) For the purposes of section 2 of the Act, arrangements qualify under that section if—
- (a) they take the form of registration by a qualifying person with a Learning Account administrator; and
 - (b) the registration has not been cancelled or withdrawn in accordance with regulation 4.
- (2) Arrangements also qualify under section 2 of the Act if they are—
- (a) arrangements which qualify under section 105 of the Learning and Skills Act 2000⁽⁴⁾ by virtue of regulations made by the Secretary of State;
 - (b) arrangements which qualify under section 105 of the Learning and Skills Act 2000 by virtue of regulations made by the National Assembly for Wales; or
 - (c) arrangements which qualify under section 106 of the Learning and Skills Act 2000,
- and the person who is a party to them would be a qualifying person if he had applied for registration with a Learning Account administrator at the time when any grant payable in respect of his education or training under these Regulations became so payable.

Qualifying Persons

- 3.—(1) For the purposes of these Regulations a person is a qualifying person if at the time of registration he has attained the age of 18 and he satisfies the condition specified in paragraph (2).
- (2) The condition referred to in paragraph (1) is that the person is resident in Scotland on a temporary or permanent basis and, where such residence is temporary, he is ordinarily resident within the European Economic Area.
- (3) For the purposes of paragraph (2), the residence of a member of the naval, military or air force of the Crown (“a member of the armed forces”) shall be determined as follows:
- (a) unless sub-paragraph (b) applies, a member of the armed forces shall be treated as resident at the establishment where he is for the time being serving; and
 - (b) where the member of the armed forces is serving at an establishment outside the United Kingdom, he shall be treated as resident at the establishment in the United Kingdom where he most recently served, disregarding any establishment at which he served for a period of less than a month.

Registration

- 4.—(1) A Learning Account administrator may require an applicant for registration to provide such information or documents as the Learning Account administrator may determine, in order for the Learning Account administrator to determine whether the person is eligible to become a learning account holder, and may decline to accept an application for registration unless such information or documents are provided.
- (2) A Learning Account administrator may at any time cancel a registration of a learning account holder if—
- (a) the person ceases to be eligible to be a learning account holder; or
 - (b) it appears to the Learning Account administrator that any information provided under paragraph (1) by or on behalf of the learning account holder was false in a material particular.
- (3) A learning account holder may at any time withdraw his registration with a Learning Account administrator by notifying the Learning Account administrator in writing.

(4) 2000 c. 21.

(4) Where a person is a party to qualifying arrangements, he may not at any time become a party to other such arrangements and accordingly any subsequent registration with a Learning Account administrator shall be of no effect.

Grants to or in respect of learning account holders

5. Grant may be paid in accordance with regulations 7 and 8 below to or in respect of learning account holders in connection with their education or training where the learning account holder at the time of payment of the grant is not eligible for any scholarship, grant or other allowance paid out of public funds in respect of the education or training in question and the education or training falls within regulation 6(1).

Education and training for which grant can be paid

6.—(1) The education or training referred to in regulation 5 is any education or training other than excepted education which is provided by a person who for the time being has been approved by a person who (at the time of approval) is designated by the Scottish Ministers for the purposes of this regulation.

(2) In this regulation, “excepted education or training” means—

- (a) secondary education within the meaning of section 135(2)(b) of the Education (Scotland) Act 1980⁽⁵⁾;
- (b) full-time higher education (that is to say education provided by means of a full-time course of any description mentioned in section 38(2)(b), (c), (d) or (e) of the Further and Higher Education (Scotland) Act 1992⁽⁶⁾);
- (c) education or training which is a statutory requirement for the individual’s particular employment;
- (d) lessons for the purposes of sitting a test of competence to drive leading to a category A or B driving licence granted under the Motor Vehicles (Driving Licences) Regulations 1999⁽⁷⁾;
- (e) such other education or training as may be specified by the Scottish Ministers.

Amount and type of grant

7.—(1) A learning account holder shall be eligible for only one of the following grants in an account holder’s year—

- (a) subject to paragraph (5), in his first account holder’s year only, a grant or grants of up to £150 in total towards the costs and expenses of education or training commenced in that year provided that—
 - (i) he has first paid a minimum of £25 towards the cost of such education or training to its provider; and
 - (ii) he has become a learning account holder on, or prior to, the commencement of the course in respect of which the grant has been claimed;
- (b) a grant of eighty per cent of the costs of such education or training in basic computing, numeracy or communication as may be specified by the Scottish Ministers up to such maximum amount of grant in any account holder’s year as may be determined by the Scottish Ministers; and

(5) 1980 c. 44.

(6) 1992 c. 37; section 38 was amended by the Education (Scotland) Act 1996 (c. 43), Schedule 5, paragraph 9.

(7) S.I.1999/2864.

(c) a grant of twenty per cent of the costs of such education or training up to a maximum amount of £100 in any account holder's year.

(2) The costs of education and training which shall be eligible for grant in accordance with paragraph (1) shall be the direct costs of the education or training including course registration, assessment fees, qualification and examination fees, the provision of professional advice and guidance, or such other costs as may be determined by the Scottish Ministers.

(3) In addition to the grants specified in paragraph (1), the Scottish Ministers may pay to learning account holders an additional grant in respect of any travel, accommodation or other costs incurred by the learning account holder as a result of his undertaking the relevant education or training.

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

(5) A maximum of 100,000 grants of the type specified in paragraph (1)(a) shall be paid by the Scottish Ministers.

Grant: supplementary provision

8.—(1) Grants shall be paid at such times and in such instalments as the Scottish Ministers may determine.

(2) Grants other than those payments specified in Regulation 7(3) shall be paid to the person providing the education or training.

(3) All grants shall be paid subject to such terms as the Scottish Ministers may determine, including terms requiring repayment of the whole or part of the grant if, and by whichever of, the person receiving the grant or the person providing the education or training does not comply with any terms applicable to that person in respect of the grant.

(4) Grants may be paid by the Scottish Ministers or by a Learning Accounts administrator under arrangements made with them.

Transitional provisions

9. Any person, who before the coming into force of these Regulations was a party to an arrangement made by Scottish Enterprise, Highlands and Islands Enterprise, or a Local Enterprise Company, known as an Individual Learning Account, shall be treated as a qualifying person who has registered with a Learning Account administrator under regulation 2(1)(a).

Amendment of the Act

10. In each of subsections (1)(b) and (2)(d)(ii) of section 1 of the Act, for "100" there shall be substituted "104".

St Andrew's House,
Edinburgh
21st August 2000

NICOL STEPHEN
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations define “arrangements” which qualify under section 2 of the Education and Training (Scotland) Act 2000 (“the Act”) and provide for payment of grants to persons who are parties to such qualifying arrangements (such persons being defined in the Regulations as “learning account holders”).

Regulations 2 to 4 deal with qualifying arrangements. The arrangements take the form of registration by a qualifying person (defined in regulation 3) with a body approved by the Scottish Ministers (referred to in the Regulations as a “Learning Account administrator”) which has not been withdrawn or cancelled. In certain circumstances, qualifying arrangements under corresponding provisions applying in England, Wales or Northern Ireland will be qualifying arrangements also. Regulation 4 deals with general matters in connection with registration.

Regulations 5 to 8 provide for payment of grants to or in respect of learning account holders. Regulation 5 provides for the power to pay grants. Regulation 6 provides for the kind of education and training in respect of which grant is payable. Regulation 7 provides for the amount of grant, and regulation 8 contains various supplementary provisions including provision for the grant to be paid in such manner as the Scottish Ministers determine and provision for payment of grants to the person providing the education or training.

Regulation 9 contains transitional provisions.

Regulation 10 amends references in the Act to section 100 of the Learning and Skills Act 2000 to references to section 104 in consequence of renumbering of clauses of the Bill for that Act during the passage of that Bill.