
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke, with one minor exception, the provisions of the Education and Training (Scotland) Regulations 2000 (“the 2000 Regulations”). They also revoke the Education and Training (Scotland) Amendment Regulations 2000 (“the 2000 Amendment Regulations”) and the Education and Training (Scotland) Amendment Regulations 2001 (“the 2001 Amendment Regulations”).

They define “arrangements” which qualify under section 2 of the Education and Training (Scotland) Act 2000 (“the Act”). They provide for payment of grants in respect of persons who are parties to such qualifying arrangements (those persons being defined in these Regulations as “learning account holders”). They also set out the qualifying requirements in regard to persons or bodies providing education or training under the Regulations (those persons being defined in the Regulations as “Learning Providers”).

Regulations 2 to 4 deal with qualifying arrangements for, and registration of, learning account holders. 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 these Regulations as a “Learning Account Administrator”), and where the registration of the Learning Provider with the Learning Account Administrator has not been cancelled or withdrawn. The qualifying arrangements are identified by the names “ILA Scotland Targeted Arrangements” and “ILA Scotland Universal Arrangements”, and which are collectively known as “ILA Scotland”. Regulation 4 deals with general matters in connection with registration of learning account holders.

Regulations 5 and 6 deal with qualifying arrangements for, and registration of, Learning Providers. Regulation 5 sets out the general requirements for qualification as a Learning Provider. Regulation 6 sets out requirements in relation to the registration of a Learning Provider, including that the Learning Account Administrator may grant an application for registration as a Learning Provider only if the applicant is suitable to deliver education and training in conformity with the Quality Standards (as defined in regulation 1(2)) of the ILA Scotland scheme, and that the applicant has delivered a validly executed Learning Provider Registration Agreement (as defined in regulation 1(2)) to the Learning Account Administrator.

Regulation 7 provides that the Learning Account Administrator may suspend or cancel the registration of a Learning Provider in certain defined circumstances, and that the Learning Provider may withdraw its registration upon at least 3 months prior notice. The provisions for suspension or cancellation include where the Learning Provider has failed to comply with either the Quality Standards of the learning account scheme, or the Operational Rules of the scheme (as defined in regulation 1(2)), or where the Learning Provider has breached any of the terms of the ancillary documentation (called the Learning Provider Registration Agreement and the Learning Provider Payment Agreement and as defined in regulation 1(2)) that it requires to enter in relation to the learning account scheme.

Regulation 8 provides for the ability of the Learning Provider to request a review by the Scottish Ministers of a decision of the Learning Account Administrator to suspend or cancel the Learning Provider’s registration.

Regulations 9 to 12 provide for the conditions of payment of grants in respect of learning account holders. Regulation 9 provides for the power to pay grants, and imposes restrictions on entitlement to receive grant. Regulation 10 provides for the kind of education or training in respect of which grant is payable. Regulation 11 provides for requirements in relation to the amount of grant payable under the learning account scheme. These include that the amount shall be from time to time determined

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by the Scottish Ministers, and that the amount may either be the same or different depending upon whether grant is paid under the ILA Scotland Targeted Arrangements or the ILA Scotland Universal Arrangements. Regulation 12 contains various supplementary provisions including provision for the grant to be paid on such terms as the Scottish Ministers may determine, and provision for payment of grants to the person providing the education or training. Provision is also made for grant to be repaid in specified circumstances, by the person providing the education or training, or by the learning account holder.

Regulation 13 provides for suspension or termination of the learning account scheme by the Scottish Ministers.

Regulation 14 contains transitional provisions.

Regulation 15 provides for revocation of the 2000 Regulations together with the 2000 Amendment Regulations and the 2001 Amendment Regulations, excepting only regulation 10 of the 2000 Regulations, which relates to a minor amendment of the Act dealing with the renumbering of references to sections within it.