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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 204**

**EDUCATION**

**The Individual Learning Account (Scotland)  
Amendment (No. 2) Regulations 2008**

<i>Made</i> - - - -	<i>29th May 2008</i>
<i>Laid before the Scottish Parliament</i> - - - -	<i>2nd June 2008</i>
<i>Coming into force</i>	
<i>Regulation 5(5)(b)</i>	<i>27th October 2008</i>
<i>Regulation 8(a)</i>	<i>1st January 2009</i>
<i>Remainder</i>	<i>30th June 2008</i>

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<sup>(1)</sup> and all other powers enabling them to do so.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Individual Learning Account (Scotland) Amendment (No. 2) Regulations 2008.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 30th June 2008.

(3) Regulation 5(5)(b) comes into force on 27th October 2008.

(4) Regulation 8(a) comes into force on 1st January 2009.

**Amendment of the Individual Learning Account (Scotland) Regulations 2004**

2. The Individual Learning Account (Scotland) Regulations 2004<sup>(2)</sup> are amended as follows.

3. In the definition of “approved learning” in regulation 1(2) (citation, commencement and interpretation) omit “or 10(2)”.

4. For paragraphs (2) and (3) of regulation 2 (qualifying arrangements (learning account holders)) substitute—

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(1) 2000 asp 8. Section 1 was amended by S.S.I. 2000/292.

(2) S.S.I. 2004/83, amended by S.S.I. 2004/270 and 469, 2007/164 and 2008/1.

“(2) The qualifying arrangements as specified in paragraph (1) are known as “ILA Scotland”.”.

**5.—**(1) Regulation 3 (qualifying persons (learning account holders)) is amended as follows.

(2) Omit paragraph (1).

(3) In paragraph (2) for “the qualifying arrangements named “ILA Scotland Targeted Arrangements”” substitute “ILA Scotland”.

(4) In paragraph (3) for “the age of 18” substitute “the age of 16”.

(5) In paragraph (7)–

(a) in sub-paragraph (a) after “earnings” insert “and pension income”; and

(b) after sub-paragraph (b)(vi) insert–

“(vii) employment support allowance payable under Part I of the Welfare Reform Act 2007**(3)**.”.

(6) After paragraph (9) insert–

“(9A) For the purposes of this regulation, “pension income” shall have the meaning given to it in section 566(2) of the Income Tax (Earnings and Pensions) Act 2003**(4)**.”.

(7) Omit paragraphs (10) and (11).

**6.—**(1) Regulation 4 (registration (learning account holders)) is amended as follows.

(2) In paragraph (1) omit “ILA Scotland Targeted Arrangements, ILA Scotland Universal Arrangements, or”.

(3) For paragraph (2) substitute–

“(2) An application for registration as a learning account holder for the purposes of entering ILA Scotland shall not be submitted prior to such date as the Scottish Ministers may determine.”.

(4) In paragraph (3) omit the words from “for the purposes” to ““ILA Scotland Targeted Arrangements””.

(5) For paragraph (6)(a) substitute–

“(a) it appears to the Scottish Ministers that the person does not satisfy the conditions specified in regulation 3(3) to (5) and (7);”.

**7.** In regulation 10 (education and training for which grant can be paid)–

(a) in paragraph (1) omit the words from “for the purposes of the qualifying arrangements” to “regulation 2(2);”; and

(b) omit paragraph (2).

**8.** In regulation 11 (amount of grant)–

(a) in paragraph (1) for the words from “either–” to the end substitute “the amount of the balance, after deducting the applicable grant allowed, towards the cost of the approved learning.”; and

(b) omit paragraph (2)(a).

**9.** For regulation 12(3)(b)(ii) (grant: supplementary provision) substitute–

“(ii) any of the conditions contained in regulation 3(3) to (5) and (7) were not satisfied at the time of registration with the Scottish Ministers;”.

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(3) 2007 c. 5.

(4) 2003 c. 1.

St Andrew's House,  
Edinburgh  
29th May 2008

*FIONA HYSLOP*  
A member of the Scottish Executive

**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 amend the Individual Learning Account (Scotland) Regulations 2004 (“the principal regulations”). The principal regulations specify arrangements which qualify under section 2 of the Education and Training (Scotland) Act 2000 and provide for the payment of grants in respect of persons who are parties to the qualifying arrangements.

These Regulations amend the principal regulations to remove the qualifying arrangements known as “ILA Scotland Universal Arrangements”. From the date that these Regulations come into force all qualifying arrangements will be targeted and known as “ILA Scotland”.

Regulation 5(4) amends regulation 3(3) of the principal regulations to provide that a learning account holder must have attained the age of 16 as opposed to 18 in order to be a qualifying person.

Regulation 5(5)(a) amends regulation 3(7)(a) of the principal regulations so that a person’s pension income will be included as gross income for the purpose of determining whether a learning account holder is a qualifying person. Regulation 5(6) inserts a definition of “pension income” into the principal regulations in the form of regulation 3(9A).

Regulation 5(5)(b), which comes into force on 27th October 2008, amends regulation 3(7)(b) of the principal regulations to take account of the introduction of the employment support allowance.

Regulation 8(a), which comes into force on 1st January 2009, amends regulation 11(1) of the principal regulations to provide that a learning account holder is not required to make a minimum contribution towards the cost of the approved learning before being eligible for a grant.