
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 107

The Individual Learning Account (Scotland) Regulations 2011

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Individual Learning Account (Scotland) Regulations 2011 and come into force on 1st April 2011.

(2) In these Regulations—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992⁽¹⁾;

“Account Holder’s Year” means the period commencing upon the date on which the Learning Account is opened, and expiring on the first day of the same month in the following year, and each subsequent period of 12 months;

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

“Approved Learning” means education or training falling within regulation 10(1);

“European Economic Area” means the EU 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 Iceland, the Kingdom of Norway and the Principality of Liechtenstein;

“ILA Scotland” means the arrangements specified in regulation 2;

“Learning Account” means an account opened and maintained by the Scottish Ministers in the name of the Learning Account Holder which records the amount of grant available to be credited in the Account Holder’s Year;

“Learning Account Administrator” means a person or body which has been designated by the Scottish Ministers in terms of section 1(4) and (5) of the Act where that designated status has not been withdrawn;

“Learning Account Holder” means a person who is a party to Qualifying Arrangements;

“Learning Provider” means a person or body which is a Qualifying Person as specified in regulation 5 and which provides Approved Learning;

“Learning Provider Registration Agreement” means the formal agreement to be entered into between the Learning Account Administrator and the Learning Provider specifying the obligations of the parties, including the maintenance of the Quality Standards;

“Learning Provider Payment Agreement” means the formal agreement to be entered into between the Scottish Ministers and the Learning Provider specifying the obligations of the parties as regards the application for, and payment of, grants;

“Operational Rules” means those rules, compliance with which shall be terms of payment of grants under the Scheme, as such rules are determined by the Scottish Ministers from time to time in accordance with section 1(2)(c) of the Act and notified to Learning Providers by the Scottish Ministers;

(1) 1992 c. 4

(2) Cm 2073.

(3) Cm 2183.

“Qualifying Arrangements” means the arrangements which qualify under section 2 of the Act by virtue of regulation 2;

“Qualifying Person” has, in relation to Learning Account Holders, the meaning given in regulation 3 and, in relation to Learning Providers, the meaning given in regulation 5;

“Quality Standards” means those standards, stipulated by a Learning Account Administrator, which have been accepted by a Learning Provider as part of the Learning Provider Registration Agreement and any subsequent standards notified to the Learning Provider by the Learning Account Administrator;

“Scheme” means the Learning Account scheme established under these Regulations;

“Switzerland Agreement” means the Agreement between the European Community and its member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons signed at Luxembourg on 21st June 1999⁽⁴⁾ and which came into force on 1st June 2002; and

“Turkish Worker” means a Turkish national who is ordinarily resident in Scotland and is, or has been, lawfully employed in the United Kingdom.

⁽⁴⁾ Cm. 5639.