
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 107

The Individual Learning Account (Scotland) Regulations 2011

Suspension, cancellation and withdrawal of registration (Learning Providers)

7.—(1) The Learning Account Administrator may suspend or cancel the registration of a Learning Provider in the event that—

- (a) the Learning Account Administrator considers that the Learning Provider has failed to comply with the Quality Standards;
 - (b) the Learning Account Administrator considers that the Learning Provider has failed to comply with the Operational Rules;
 - (c) the Learning Provider has not delivered a validly executed Learning Provider Payment Agreement to the Scottish Ministers;
 - (d) the Learning Provider has otherwise breached any of the terms of the Learning Provider Registration Agreement or the Learning Provider Payment Agreement;
 - (e) in respect of the Learning Provider—
 - (i) an administration order is made;
 - (ii) a voluntary arrangement is proposed;
 - (iii) a resolution is passed or an order made for its winding up (other than a resolution or a members' voluntary winding up for the purpose of reconstruction in terms approved by the Scottish Ministers);
 - (iv) a receiver, administrative receiver or liquidator is appointed over the whole or any part of its undertaking or assets; or
 - (v) the Learning Provider makes or seeks to make any composition or arrangement with its creditors, becomes bankrupt or apparently insolvent or has a Trustee appointed over any of its assets or, where the Learning Provider is a partnership, any of its partners suffers any of the foregoing;
 - (f) there is a change of control (where control has the meaning given in section 1124 of the Corporation Tax Act 2010⁽¹⁾) of the Learning Provider or any other material change in its management which the Learning Account Administrator considers may adversely affect the operation of the Scheme; or
 - (g) the Learning Account Administrator reasonably considers that an act or omission of the Learning Provider may bring the Scheme into disrepute.
- (2) In the event that a Learning Provider's registration is suspended—
- (a) the Learning Account Administrator must advise the Scottish Ministers of that fact; and
 - (b) the suspension continues until the Learning Account Administrator is satisfied that the default situation in question has been rectified.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) If the Learning Account Administrator is not satisfied within 6 months after the date of suspension, the Learning Account Administrator may cancel the Learning Provider's registration at any time after the expiry of that 6 month period.

(4) The Learning Provider may, at any time, withdraw its registration by giving the Learning Account Administrator not less than 3 months' prior written notice.

(5) Where a Learning Provider's registration is cancelled or withdrawn, the Learning Account Administrator must advise the Scottish Ministers of that fact.