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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 288**

**EDUCATION**

**The Individual Learning Account  
(Scotland) Amendment Regulations 2017**

*Made* - - - - 6th September 2017  
*Laid before the Scottish  
Parliament* - - - - 8th September 2017  
*Coming into force* - - 15th October 2017

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. These Regulations may be cited as the Individual Learning Account (Scotland) Amendment Regulations 2017 and come into force on 15th October 2017.

**Amendment of the Individual Learning Account (Scotland) Regulations 2011**

2. The Individual Learning Account (Scotland) Regulations 2011<sup>(2)</sup> are amended in accordance with regulations 3 to 14.

3. In regulation 1(2) (interpretation)—

- (a) in the definition of “Account Holder’s Year” for “Learning Account” substitute “Training Account”;
- (b) for the definition of “Approved Learning” substitute—  
““Approved Training” has the meaning given by regulation 10(1);”;
- (c) for the definition of “ILA Scotland” substitute—  
““ITA Scotland” means the arrangements specified in regulation 2;”;
- (d) omit the definitions of “Learning Account”, “Learning Account Administrator”, “Learning Account Holder”, “Learning Provider”, “Learning Provider Registration Agreement” and “Learner Provider Payment Agreement”;

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(1) 2000 asp 8. Section 1 was amended by regulation 10 of the Education and Training (Scotland) Regulations (S.S.I. 2000/292).  
(2) S.S.I. 2011/107 as amended by S.S.I. 2012/172, S.S.I. 2013/75 and S.S.I. 2013/137.

- (e) in the definition of “Operational Rules” for “Learning Providers” substitute “Training Providers”;
- (f) in the definition of “Qualifying Person”—
  - (i) for “Learning Account Holders” substitute “Training Account Holders”; and
  - (ii) for “Learning Providers” substitute “Training Providers”;
- (g) in the definition of Quality Standards—
  - (i) for “Learning Account Administrator” in each place where it occurs substitute “Training Account Administrator”;
  - (ii) for “a Learning Provider” substitute “a Training Provider”;
  - (iii) for “Learning Provider Registration Agreement” substitute “Training Provider Agreement”; and
  - (iv) for “the Learning Provider” substitute “the Training Provider”;
- (h) in the definition of “Scheme” for “Learning Account scheme” substitute “Training Account scheme”; and
- (i) after the definition of “Switzerland Agreement” insert—
  - ““Training Account” means an account opened and maintained by the Scottish Ministers in the name of the Training Account Holder which records the amount of grant available to be credited in the Account Holder’s Year;
  - “Training 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;
  - “Training Account Holder” means a person who is party to Qualifying Arrangements;
  - “Training Provider” means a person or body which is a Qualifying Person as specified in regulation 5 and which provides Approved Training;
  - “Training Provider Agreement” means the formal agreement to be entered into between the Training Account Administrator and the Training Provider specifying the obligations of the parties, including the maintenance of the Quality Standards;
  - “Training Provider Payment Agreement” means the formal agreement to be entered into between the Scottish Ministers and the Training Provider specifying the obligations of the parties as regards the application for, and payment of, grants;”.

- 4.—**(1) Regulation 2 (qualifying arrangements (learning account holders)) is amended as follows.
- (2) For the associated cross heading substitute “Qualifying arrangements (Training Account Holders)”.
- (3) For “Learning Account Holder” substitute “Training Account Holder”.

- 5.—**(1) Regulation 3 (qualifying persons (learning account holders)) is amended as follows.
- (2) For the associated cross heading substitute “Qualifying persons (Training Account Holders)”.
- (3) In paragraph (1)—
- (a) for “Learning Account Holder” substitute “Training Account Holder”;
  - (b) for “ILA Scotland” substitute “ITA Scotland”; and
  - (c) in sub-paragraph (b)—
    - (i) omit “(5B),”; and

- (ii) for “and (6)” substitute “, (6) and (6A)”.
- (4) In paragraph (3)—
  - (a) in sub-paragraph (f) for “Learning Account Holder” substitute “Training Account Holder”; and
  - (b) after sub-paragraph (g) insert—
    - “; or
    - (h) is a person not falling within sub-paragraphs (a) to (g) but—
      - (i) is under the age of 18 and has lived in the United Kingdom throughout the seven-year period preceding the date of registration; or
      - (ii) is aged 18 years old or above and, preceding the date of registration, has lived in the United Kingdom throughout either half of his or her life or a period of twenty years.”.
- (5) Omit paragraph (5B).
- (6) After paragraph (6) insert—
  - “(6A) The condition in this paragraph is that the person is in employment or actively seeking employment.”.
- 6.—**(1) Regulation 4 (registration (learning account holders) is amended as follows.
- (2) For the associated cross heading substitute “Registration (Training Account Holders)”.
- (3) In paragraph (1) for “Learning Account Holder” substitute “Training Account Holder”.
- (4) In paragraph (2)—
  - (a) for “Learning Account Holder” substitute “Training Account Holder”; and
  - (b) for “ILA Scotland” substitute “ITA Scotland”.
- (5) In paragraphs (3) and (4) for “Learning Account Holder” in each place where it occurs substitute “Training Account Holder”.
- (6) In paragraph (5)—
  - (a) for “Learning Account Holder” substitute “Training Account Holder”;
  - (b) for “Learning Account Administrator” substitute “Training Account Administrator”; and
  - (c) for “Approved Learning” substitute “Approved Training”.
- (7) In paragraph (6)—
  - (a) for “Learning Account Holder” in each place where it occurs substitute “Training Account Holder”;
  - (b) omit “(5B),”;
  - (c) for “and (6)” substitute “, (6) and (6A)”;
  - (d) for “Learning Account Administrator” substitute “Training Account Administrator”; and
  - (e) for “ILA Scotland” substitute “ITA Scotland”.
- (8) In paragraph (7)—
  - (a) for “Learning Account Holder” substitute “Training Account Holder”; and
  - (b) for “Learning Account Holder’s registration” substitute “Training Account Holder’s registration”.
- (9) In paragraph (8)—
  - (a) for “the relevant Learning Account” substitute “the relevant Training Account”; and

- (b) for “Learning Account Administrator” substitute “Training Account Administrator”.
- (10) In paragraph (10) for “Learning Account Holder” substitute “Training Account Holder”.
- 7.—**(1) Regulation 5 (qualifying persons (learning providers)) is amended as follows.
- (2) For the associated cross heading substitute “Qualifying Persons (Training Providers)”.
- (3) For “Learning Provider” substitute “Training Provider”.
- (4) For “Learning Account Administrator” substitute “Training Account Administrator”.
- 8.—**(1) Regulation 6 (registration (learning providers)) is amended as follows.
- (2) For the associated cross heading substitute “Registration (Training Providers)”.
- (3) In paragraph (1)—
- (a) for “Learning Provider” substitute “Training Provider”; and
- (b) for “Learning Account Administrator” substitute “Training Account Administrator”.
- (4) In paragraph (2)—
- (a) for “Learning Account Administrator” in each place where it occurs substitute “Training Account Administrator”; and
- (b) for “Learning Provider” in each place where it occurs substitute “Training Provider”.
- (5) In paragraph (3)—
- (a) for “Learning Account Administrator” in each place where it occurs substitute “Training Account Administrator”;
- (b) for “a Learning Provider” substitute “a Training Provider”;
- (c) omit “education and”; and
- (d) for “Learning Provider Registration Agreement” substitute “Training Provider Registration Agreement”.
- (6) In paragraph (4) for “Learning Account Administrator” substitute “Training Account Administrator”.
- (7) After paragraph (4) insert—
- “(5) During the operation of the Scheme, a Training Account Administrator must monitor and assess a Training Provider’s compliance with the Quality Standards.
- (6) A Training Account Administrator may require a Training Provider to—
- (a) immediately inform the Training Account Administrator where the Training Provider becomes aware that it is not complying with the Quality Standards; and
- (b) provide such information and documents and at such intervals as the Training Account Administrator requires in order to enable the Training Account Administrator to assess the Training Provider’s compliance with the Quality Standards.”.
- 9.—**(1) Regulation 7 (suspension, cancellation and withdrawal of registration (learning providers)) is amended as follows.
- (2) For the associated cross heading substitute “Suspension, cancellation and withdrawal of registration (Training Providers)”.
- (3) In paragraph (1)—
- (a) for “Learning Account Administrator” in each place where it occurs substitute “Training Account Administrator”;

- (b) for “a Learning Provider” substitute “a Training Provider”;
  - (c) before sub-paragraph (a) insert—
    - “(za) the Training Account Administrator considers that the Training Provider has failed to comply with the Training Account Administrator’s requirements under regulation 6(6);”
  - (d) for “the Learning Provider” in each place where it occurs substitute “the Training Provider”;
  - (e) for “Learning Provider Payment Agreement” in each place where it occurs substitute “Training Provider Payment Agreement”; and
  - (f) for “Learning Provider Registration Agreement” substitute “Training Provider Registration Agreement”.
- (4) In paragraph (2)—
- (a) for “Learning Provider’s registration” substitute “Training Provider’s registration”; and
  - (b) for “Learning Account Administrator” in each place where it occurs substitute “Training Account Administrator”.
- (5) In paragraph (3)—
- (a) for “Learning Account Administrator” in each place where it occurs substitute “Training Account Administrator”; and
  - (b) for “Learning Provider’s registration” substitute “Training Provider’s registration”.
- (6) In paragraph (4)—
- (a) for “Learning Provider” substitute “Training Provider”; and
  - (b) for “Learning Account Administrator” substitute “Training Account Administrator”.
- (7) In paragraph (5)—
- (a) for “Learning Provider’s registration” substitute “Training Provider’s registration”; and
  - (b) for “Learning Account Administrator” substitute “Training Account Administrator”.
- 10.—**(1) Regulation 8 (review) is amended as follows.
- (2) In paragraph (1)—
- (a) for “a Learning Provider” substitute “a Training Provider”;
  - (b) for “Learning Account Administrator” substitute “Training Account Administrator”;
  - (c) for “Learning Provider’s registration” substitute “Training Provider’s registration”;
  - (d) for “that Learning Provider” substitute “that Training Provider”; and
  - (e) for “the Learning Provider is” substitute “the Training Provider is”.
- (3) In paragraph (2)—
- (a) for “Learning Provider” substitute “Training Provider”;
  - (b) for “Learning Account Administrator” substitute “Training Account Administrator”;
  - (c) for “ILA Scotland” substitute “ITA Scotland”; and
  - (d) for “Learning Providers” substitute “Training Providers”.
- 11.—**(1) Regulation 9 (grants in respect of learning account holders) is amended as follows.
- (2) For the associated cross heading substitute “Grants in respect of Training Account Holders”.
- (3) In paragraph (1)—

- (a) for “Learning Account Holders” substitute “Training Account Holders”;
- (b) for “Approved Learning” in each place where it occurs substitute “Approved Training”;
- (c) for “Learning Account Holder” substitute “Training Account Holder”;
- (d) omit “education or” in each place where it occurs; and
- (e) for “Learning Account funds” substitute “Training Account funds”.

(4) In paragraph (2) for “Learning Provider” in each place where it occurs substitute “Training Provider”.

**12.** For regulation 10 (education and training for which grant can be paid) and the associated cross heading substitute—

**“Training for which grants can be paid**

**10.**—(1) “Approved Training” means any form of training which—

- (a) has been approved by a Training Account Administrator; and
- (b) is provided by a Training Provider that has been registered by a Training Account Administrator for the purposes of regulation 6 and that registration has not been suspended, withdrawn or cancelled.

(2) A Training Account Administrator may only approve a form of training for the purposes of paragraph (1)(a) if it is satisfied that—

- (a) the purpose of the training is to equip a person undertaking the training for employment; and
- (b) it is not a form of training which the Scottish Ministers have determined is excluded from being approved by a Training Account Administrator.”.

**13.**—(1) Regulation 11 (amount of grant) is amended as follows.

(2) In paragraph (1)—

- (a) for “Learning Account Holder” in each place where it occurs substitute “Training Account Holder”;
- (b) for “Learning Provider” substitute “Training Provider”; and
- (c) for “approved learning” substitute “Approved Training”.

(3) In paragraph (2)—

- (a) for “Approved Learning” in each place where it occurs substitute “Approved Training”; and
- (b) for “Learning Account Holder” in each place where it occurs substitute “Training Account Holder”.

(4) In paragraph (3) for “Approved Learning” in each place where it occurs substitute “Approved Training”.

(5) After paragraph (3) insert—

“(4) A Training Account Holder may only receive one award of grant in each Account Holder’s Year.”.

**14.**—(1) Regulation 12 (grant: supplementary provision) is amended as follows.

(2) In paragraph (2)—

- (a) for “Learning Provider Registration Agreement” substitute “Training Provider Registration Agreement”;

- (b) for “Learning Account Administrator” substitute “Training Account Administrator”;
  - (c) for “Learning Provider Payment Agreement” substitute “Training Provider Payment Agreement”; and
  - (d) for “Approved Learning” substitute “Approved Training”.
- (3) In paragraph (3)—
- (a) for “Learning Provider” in each place where it occurs substitute “Training Provider”;
  - (b) for “Approved Learning” in each place where it occurs substitute “Approved Training”;
  - (c) for “Learning Account Holder” in each place where it occurs substitute “Training Account Holder”;
  - (d) omit “5B, ”;
  - (e) for “and (6)” substitute “, (6) and (6A)”.
- (4) For paragraph (4) substitute—
- “(4) For the purposes of paragraph (3)(a)(ii) the Approved Training is deemed to have commenced on the date on which the Training Account Holder first attends to receive the training concerned or, if attendance is not necessary for the commencement of the training, on the date on which the Training Account Holder first receives any training instructions or materials.”.
- (5) In paragraph (5)—
- (a) for “a Learning Provider” substitute “a Training Provider”;
  - (b) for “the Learning Provider” in each place where it occurs substitute “the Training Provider”;
  - (c) for “Learning Provider Payment Agreement” substitute “Training Provider Payment Agreement”; and
  - (d) for “Learning Account Administrator” substitute “Training Account Administrator”.
- (6) In paragraph (6) for “Learning Account Administrator” substitute “Training Account Administrator”.
- (7) In paragraph (7)—
- (a) for “Learning Account Administrator” in each place where it occurs substitute “Training Account Administrator”; and
  - (b) for “Learning Providers” substitute “Training Providers”.
- (8) In paragraph (8) for “Learning Providers” substitute “Training Providers”.

### **Saving provision**

**15.** These Regulations do not apply to any grants due to be paid under the Individual Learning Account (Scotland) Regulations 2011 as they had effect immediately prior to the coming into force of these Regulations.

St Andrew’s House,  
Edinburgh  
6th September 2017

*JAMIE HEPBURN*  
Authorised to sign by the Scottish Ministers

*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 2011 (“the 2011 Regulations”). The amendments made to the 2011 Regulations rename ‘Individual Learning Accounts’ as ‘Individual Training Accounts’ and enable grants to be paid for training for employment. Key amendments are noted below.

### **Amendments to the conditions for qualifying persons**

Regulation 5(3)(c)(ii) and (6) amends regulation 3 of the 2011 Regulations so that a person must be in employment or actively seeking employment in order to qualify for support.

Regulations 5(4)(b) amends regulation 3 of the 2011 Regulations so that, irrespective of a person’s nationality, that person can now satisfy the condition specified in regulation 3(3) of the 2011 Regulations by virtue of a period of long residence in the UK. To be eligible for support, any person under the age of 18 must have lived in the UK for a period of 7 years prior to registering for an individual training account. A person aged 18 or over must have lived in the UK for either half of his or her life or a period of 20 years prior to registering for an individual training account.

Regulation 5(5) amends regulation 3 of the 2011 Regulations by removing paragraph (5B). Persons holding first degrees or postgraduate qualifications are no longer excluded from qualifying for support.

### **Amendments in respect of monitoring and assessing Training Providers**

Regulation 8(7) amends regulation 6 of the 2011 Regulations so as to require a Training Account Administrator to monitor and assess its Training Providers’ compliance with the Quality Standards.

### **Amendments in respect of the training for which grants can be paid**

Regulation 12 amends regulation 10 of the 2011 Regulations so that grants may now only be paid in respect of training which is for the purpose of equipping a person for employment.

### **Amendments in respect of the amount of grants**

Regulation 13(5) amends regulation 11 of the 2011 Regulations so that a Training Account Holder may only receive one award of grant in each Account Holder’s Year.