
WELSH STATUTORY INSTRUMENTS

2000 No. 3384 (W. 222)

EDUCATION, WALES

The Individual Learning Accounts (Wales) Regulations 2000

Made - - - - - *12th December 2000*

Coming into force - - - - - *1 January 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on it by sections 105, 108, 150 and 152 of the Learning and Skills Act 2000⁽¹⁾:

Citation, commencement interpretation and application

1. —

(1) These Regulations may be cited as the Individual Learning Accounts (Wales) Regulations 2000 and shall come into force on 1 January 2001.

(2) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Learning and Skills Act 2000;

“eligible person” (“*person cymwys*”) has the meaning given in regulation 3;

“learning account administrator” (“*gweinyddydd cyfrifon dysgu*”) means a body providing, arranging or supporting the provision of education and training which has the benefit of an approval given by the National Assembly for Wales under section 105(5) of the Act for the purposes of these Regulations and not withdrawn; and

“individual learning account holder” (“*deiliad cyfrif dysgu unigol*”) means a person who is a party to qualifying arrangements (as specified in regulation 2).

(3) These Regulations apply only in relation to Wales.

Qualifying arrangements

2.—(1) For the purposes of section 105 of the Act arrangements qualify under that section in relation to Wales if—

(a) they take the form of registration by an eligible person with a learning account administrator; and

(b) the registration has not been cancelled or withdrawn in accordance with regulation 4.

(2) For the purposes of section 105 of the Act arrangements also qualify under that section in relation to Wales if they are—

- (a) arrangements which qualify under section 105 of the Act by virtue of regulations made by the Secretary of State in relation to England ; or
- (b) arrangements which qualify under section 106 of the Act; or
- (c) arrangements which qualify under any provision of an Act of the Scottish Parliament which corresponds to section 105 of the Act,

and if the person who is a party to them is an eligible person or satisfies the conditions in paragraph (3) below.

(3) The conditions are—

- (a) that the person is resident in Wales; and
- (b) that a grant has been paid in respect of the person's education and training pursuant to—
 - (i) regulations made by the Secretary of State in relation to England under section 108 of the Act;
 - (ii) regulations under section 109 of the Act; or
 - (iii) regulations under any Act of the Scottish Parliament which corresponds to section 108 of the Act.

(4) For the purposes of paragraph (3) a person is resident in Wales if that person is temporarily or permanently resident there (unless regulation 9 applies).

Meaning of Eligible Person

3.—(1) For the purposes of these Regulations a person is an eligible person if that person satisfies the conditions contained in paragraphs (2) to (4) below at the date of registration.

(2) The first condition is that the person has attained the age of 18 at the date of registration.

(3) The second condition is that the person—

- (a) is a British citizen;
- (b) is settled in the United Kingdom within the meaning of section 33(2A) of the Immigration Act 1971(2);
- (c) is a refugee, ordinarily resident in the United Kingdom who has not ceased to be so resident since that person was recognised as a refugee, or who is the spouse, child, or stepchild of such a refugee;
- (d) is a person who—
 - (i) has been informed by a person acting under the authority of the Secretary of State for the Home Department that, although that person is considered not to qualify for recognition as a refugee, it is thought right to allow that person to remain in the United Kingdom,
 - (ii) has been granted leave to enter or remain accordingly; and
 - (iii) has been ordinarily resident in the United Kingdom throughout the period since that person was granted leave to enter or remain,or who is the spouse, child or stepchild of such a person; or

- (e) is a person not falling within paragraphs (2) to (d) but is a national of a member state of the European Economic Area who is working in the United Kingdom or the spouse, child or stepchild of such a person.
- (4) The third condition is that at the time of registration the person was either
 - (a) resident in Wales or
 - (b) temporarily resident outside Wales but ordinarily resident in Wales (unless regulation 9 applies).
- (5) For the purposes of paragraph (4) a person is resident in Wales if that person is temporarily or permanently resident there.

Registration – General

- 4.—(1) A learning account administrator may require an applicant for registration to provide such information or documents as the learning account administrator may determine in order for the learning account administrator to determine whether the person is an eligible person and may decline to accept an application for registration unless such information or documents are provided.
- (2) A learning account administrator may at any time cancel a registration if—
 - (a) the person ceases to be an eligible person; or
 - (b) it appears to the learning account administrator that any information provided under paragraph (1) was false in a material particular.
 - (3) A person who has registered with a learning account administrator may at any time withdraw the registration.
 - (4) Where a person is a party to qualifying arrangements any subsequent registration with a learning account administrator shall be of no effect.

Grants to or in respect of individual learning account holders

5. Grants may be paid in accordance with regulations 6 to 8 below in respect of individual learning account holders in connection with any education or training proposed to be undertaken by them where—
- (a) the individual learning account holder at the time of payment of the grant is not in receipt of any scholarship, grant or other allowance paid out of public funds in respect of the whole cost of the education or training in question; and
 - (b) the education or training falls within regulation 6.

Education and training for which grant can be paid

- 6.—(1) The education or training referred to in regulation 5 is any education or training other than excepted education which is—
- (a) of a kind specified by the National Assembly for Wales in any way it thinks fit; and
 - (b) provided by a person who has registered with a learning account administrator and whose registration has not been withdrawn.
- (2) In this regulation excepted education is—
- (a) secondary education (within the meaning of section 2 of the Education 1996(3)); or

(3) 1996 c. 56.

- (b) higher education (that is to say education provided by means of a full-time course of any description mentioned in Schedule 6 to the Education Reform Act 1988(4)).

Amount of grant

7. The amount of grant which may be paid to or in respect of an individual learning account holder shall be decided by the National Assembly for Wales.

Grant supplementary provision

8.—(1) Grants shall be paid at such times and in such instalments as the National Assembly for Wales may decide (and in particular the National Assembly for Wales may decide that a grant shall not be paid until the person has made or secured the making of any payment towards the costs of the education or training as is necessary).

(2) Grant shall be paid to the person providing the education or training.

(3) Grants may be paid on such terms as the National Assembly for Wales decides and those terms may include terms requiring repayment of the whole or part of the grant if—

- (a) the education or training in question is not provided,
- (b) the individual learning account holder does not undertake the education or training; or
- (c) any other terms on which the grant was paid are not complied with.

(4) Grants may be paid by the National Assembly for Wales or by a learning account administrator under arrangements made with the National Assembly for Wales and if such arrangements are made the National Assembly for Wales may pay the learning account administrator remuneration or amounts to meet its expenses.

Residence of members of the armed forces

9.—(1) For the purpose of these regulations the residence of a member of the naval, military or air force of the Crown (“a member of the armed forces”) shall be determined in accordance with paragraphs (2) and (3).

(2) Unless paragraph (3) applies a member of the armed forces shall be treated as resident at the establishment where that member of the armed forces is for the time being serving.

(3) Where the member of the armed forces is serving at an establishment outside the United Kingdom that member shall be treated as resident at the establishment in the United Kingdom where that member most recently served, disregarding any establishment at which that member served for a period of less than a month.

Transitional Provisions

10. Any eligible person who, before the coming into force of these Regulations, was a party to arrangements known as an Individual Learning Account made by a Training and Enterprise Council shall, (subject to regulation 4(4)), be treated as registered with a learning account administrator approved by the National Assembly for Wales under section 105(5) of the Act as of the date when such approval is given.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

12th December 2000

D. Elis Thomas
The Presiding Officer of the Assembly

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations define “qualifying arrangements”, referred to in section 105 of the Learning and Skills Act 2000 and provide for payment of grants to persons who are parties to qualifying arrangements (such persons being defined in the Regulations as “individual learning account holders”).

Regulations 2 to 4 deal with qualifying arrangements. They must take the form of registration by an eligible person with a body approved by the National Assembly for Wales and Regulation 3 sets out conditions of eligibility which include residence in Wales (or temporary residence outside Wales at the time of registration but ordinary residence in Wales). However in certain circumstances qualifying arrangements under corresponding provisions applying in England, Scotland or Northern Ireland will be qualifying arrangements under these Regulations.

Regulations 5 to 8 provide for the payment of grants in respect of individual learning account holders. Regulation 5 provides for the power to pay grants. Regulation 6 provides that grants may be paid in respect of any education or training specified by the National Assembly for Wales other than secondary or full-time higher education. Regulation 7 provides for the amount of grant to be decided by the National Assembly for Wales and Regulation 8 contains various supplementary provisions including provision for the payment of grant to the person providing the education or training.

Regulations 9 and 10 contain respectively provisions for determining the residence of members of the armed forces and transitional provisions.