

SCHEDULES

SCHEDULE 23

GENERAL EXCEPTIONS

Training provided to non-EEA residents, etc.

- 4 (1) A person (A) does not contravene this Act, so far as relating to nationality, only by providing a non-resident (B) with training, if A thinks that B does not intend to exercise in Great Britain skills B obtains as a result.
- (2) A non-resident is a person who is not ordinarily resident in an EEA state.
- (3) The reference to providing B with training is—
- (a) if A employs B in relevant employment, a reference to doing anything in or in connection with the employment;
 - (b) if A as a principal allows B to do relevant contract work, a reference to doing anything in or in connection with allowing B to do the work;
 - (c) in a case within paragraph (a) or (b) or any other case, a reference to affording B access to facilities for education or training or ancillary benefits.
- (4) Employment or contract work is relevant if its sole or main purpose is the provision of training in skills.
- (5) In the case of training provided by the armed forces or Secretary of State for purposes relating to defence, sub-paragraph (1) has effect as if—
- (a) the reference in sub-paragraph (2) to an EEA state were a reference to Great Britain, and
 - (b) in sub-paragraph (4), for “its sole or main purpose is” there were substituted “it is for purposes including”.
- (6) “Contract work” and “principal” each have the meaning given in section 41.