
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate the provisions of the Individual Learning Account (Scotland) Regulations 2004 and certain amending instruments. In addition to minor and drafting alterations, these Regulations now confer eligibility for an individual learning account on the children of Turkish workers (regulation 3(3)(g)).

They define “arrangements” which qualify under section 2 of the Education and Training (Scotland) Act 2000 (“the Act”). They provide for payment of grants in respect of persons who are parties to such qualifying arrangements (those persons being defined in these Regulations as “Learning Account Holders”). They also set out the qualifying requirements in regard to persons or bodies providing education or training under the Regulations (those persons being defined in the Regulations as “Learning Providers”).

Regulations 2 to 4 deal with qualifying arrangements for, and registration of, Learning Account Holders. The arrangements take the form of registration by a qualifying person (defined in regulation 3) with a body approved by the Scottish Ministers (referred to in these Regulations as a “Learning Account Administrator”). The qualifying arrangements are identified as “ILA Scotland”. Regulation 4 deals with general matters in connection with registration of Learning Account Holders.

Regulations 5 and 6 deal with qualifying arrangements for, and registration of, Learning Providers.

Regulation 5 sets out the general requirements for qualification as a Learning Provider.

Regulation 6 sets out requirements in relation to the registration of a Learning Provider, including that the Learning Account Administrator may grant an application for registration as a Learning Provider only if the applicant is suitable to deliver education and training in conformity with the Quality Standards (as defined in regulation 1(2)) of the ILA Scotland scheme, and that the applicant has delivered a validly executed Learning Provider Registration Agreement (as defined in regulation 1(2)) to the Learning Account Administrator.

Regulation 7 provides that the Learning Account Administrator may suspend or cancel the registration of a Learning Provider in certain defined circumstances, and that the Learning Provider may withdraw its registration upon at least 3 months’ prior notice. The provisions for suspension or cancellation include where the Learning Provider has failed to comply with either the Quality Standards of the learning account scheme, or the Operational Rules of the scheme (as defined in regulation 1(2)), or where the Learning Provider has breached any of the terms of the ancillary documentation (the Learning Provider Registration Agreement and the Learning Provider Payment Agreement and as defined in regulation 1(2)) that it requires to enter in relation to the learning account scheme.

Regulation 8 provides for the ability of the Learning Provider to request a review by the Scottish Ministers of a decision of the Learning Account Administrator to suspend or cancel the Learning Provider’s registration.

Regulations 9 to 12 provide for the conditions of payment of grants in respect of Learning Account Holders. Regulation 9 provides for the power to pay grants, and imposes restrictions on entitlement to receive grant. Regulation 10 provides for the kind of education or training (defined in these Regulations as “Approved Learning”) in respect of which grant is payable. Regulation 11 provides for requirements in relation to the amount of grant payable under the learning account scheme. These include that the amount shall be from time to time determined by the Scottish Ministers, and that the

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amount may vary depending on the kind of Approved Learning undertaken by the Learning Account Holder and the amount of time spent by the Learning Account Holder in the Approved Learning. Regulation 12 contains various supplementary provisions including provision for the grant to be paid on such terms as the Scottish Ministers may determine, and provision for payment of grants to the person providing the education or training. Provision is also made for grant to be repaid in specified circumstances, by the person providing the education or training, or by the Learning Account Holder.

Regulation 13 provides for suspension or termination of the learning account scheme by the Scottish Ministers.

Regulation 14 makes savings provisions in relation to payments due under the Individual Learning Account (Scotland) Regulations 2004.

Regulation 15 revokes the Individual Learning Account (Scotland) Regulations 2004, together with , the Individual Learning Account (Scotland) Amendment Regulations 2004, the Education (Graduate Endowment, Student Fees and Support) Switzerland (Scotland) Amendment Regulations 2004 (so far as not already revoked), the Individual Learning Account (Scotland) Amendment Regulations 2007, the Individual Learning Account (Scotland) Amendment Regulations 2008, the Individual Learning Account (Scotland) Amendment (No. 2) Regulations 2008 and the Individual Learning Account (Scotland) Amendment Regulations 2009.