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STATUTORY INSTRUMENTS

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**2010 No. 155**

**The Employee Study and Training  
(Procedural Requirements) Regulations 2010**

**Circumstances in which employer must ignore earlier application**

**3.—**(1) For the purposes of section 63F(1) of the 1996 Act, at an employee's request, an employer must ignore an earlier application if paragraphs (2) or (4) apply.

(2) This paragraph applies where the employee failed to start the agreed study or training due to—

- (a) an emergency or unforeseen circumstance beyond the employee's control; or
- (b) cancellation of the study or training by—
  - (i) the employer;
  - (ii) the institution at which the employee was due to undertake a course;
  - (iii) the person whom it was agreed would supervise the training; or
  - (iv) any other proposed provider or facilitator of the proposed study or training.

(3) Paragraph (2)(b) does not apply where the cancellation of the study or training is attributable to the employee's own conduct in relation to the study or training.

(4) This paragraph applies where the employee—

- (a) by mistake, submitted a section 63D application ("the earlier application") too soon after a previous section 63D application for the employer to be required to consider it under section 63F of the 1996 Act;
- (b) submits a further section 63D application ("the current application") which the employer would be required to consider but for the earlier application; and
- (c) at the time of making the current application, notifies the employer that—
  - (i) the earlier application was submitted too early by mistake; and
  - (ii) the employee wishes to withdraw the earlier application.