SCOTTISH STATUTORY INSTRUMENTS

2000 No. 292

EDUCATION

The Education and Training (Scotland) Regulations 2000

Made - - - -	*21st August 2000*
Laid before the Scottish Parliament - - - -	*22nd August 2000*
Coming into force - -	*1st September 2000*

The Scottish Ministers, in exercise of the powers conferred on them by sections 1, 2 and 3(2) of the Education and Training (Scotland) Act 2000(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education and Training (Scotland) Regulations 2000 and shall come into force on 1st September 2000.

(2) In these Regulations–

"account holder's year" means the period of 12 months ending with the first anniversary of a learning account holder's initial payment to a person providing education or training of the kind specified in regulation 6(1) for the provision of such education or training in respect of which the individual is eligible for a grant under these Regulations, and each subsequent period of 12 months;

"the Act" means the Education and Training (Scotland) Act 2000;

"European Economic Area" means the European Community and, subject to the conditions laid down in the Agreement on the European Economic Area signed at Oporto on 2nd May 1992(**2**), as adjusted by the Protocol signed at Brussels on 17th March 1993(**3**), the area comprised by the Republic of Ireland, the Kingdom of Norway and the Principality of Liechtenstein;

"Learning Account administrator" means a body which has an approval given by the Scottish Ministers for the purposes of these Regulations which has not been withdrawn;

"learning account holder" means a person who is a party to qualifying arrangements as specified in regulation 2; and

"qualifying person" has the meaning given in regulation 3.

(**1**) 2000 asp 8.
(**2**) Cm 2073.
(**3**) Cm 2183.

Qualifying arrangements

2.—(1) For the purposes of section 2 of the Act, arrangements qualify under that section if–

(a) they take the form of registration by a qualifying person with a Learning Account administrator; and

(b) the registration has not been cancelled or withdrawn in accordance with regulation 4.

(2) Arrangements also qualify under section 2 of the Act if they are–

(a) arrangements which qualify under section 105 of the Learning and Skills Act 2000(**4**) by virtue of regulations made by the Secretary of State;

(b) arrangements which qualify under section 105 of the Learning and Skills Act 2000 by virtue of regulations made by the National Assembly for Wales; or

(c) arrangements which qualify under section 106 of the Learning and Skills Act 2000,

and the person who is a party to them would be a qualifying person if he had applied for registration with a Learning Account administrator at the time when any grant payable in respect of his education or training under these Regulations became so payable.

Qualifying Persons

3.—(1) For the purposes of these Regulations a person is a qualifying person if at the time of registration he has attained the age of 18 and he satisfies the condition specified in paragraph (2).

(2) The condition referred to in paragraph (1) is that the person is resident in Scotland on a temporary or permanent basis and, where such residence is temporary, he is ordinarily resident within the European Economic Area.

(3) For the purposes of paragraph (2), the residence of a member of the naval, military or air force of the Crown ("a member of the armed forces") shall be determined as follows:

(a) unless sub-paragraph (b) applies, a member of the armed forces shall be treated as resident at the establishment where he is for the time being serving; and

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

Registration

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 eligible to become a learning account holder, 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 of a learning account holder if–

(a) the person ceases to be eligible to be a learning account holder; or

(b) it appears to the Learning Account administrator that any information provided under paragraph (1) by or on behalf of the learning account holder was false in a material particular.

(3) A learning account holder may at any time withdraw his registration with a Learning Account administrator by notifying the Learning Account administrator in writing.

(**4**) 2000 c. 21.