WELSH STATUTORY INSTRUMENTS

2003 No. 918 (W.119)

EDUCATION, WALES

The Individual Learning Accounts Wales Regulations 2003

Made - - - -	*26th March 2003*
Coming into force - -	*1st April 2003*

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 are called the Individual Learning Accounts Wales Regulations 2003 and are to come into force on 1 April 2003.

(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 4;

"learning account administrator" ("*gweinyddydd cyfrifon dysgu*") means the body arranging or supporting the provision of education and training which has, for the time being, 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

"individual learning account holder" ("*deiliad cyfrif dysgu unigol*") means a person who is a party to a qualifying arrangement (as specified in regulation 3).

(3) Unless the context otherwise requires, the purposes of these regulations a person is resident in Wales if that person is temporarily or permanently resident there.

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

Revocation

2. The Individual Learning Accounts (Wales) Regulations 2000(**2**) are revoked.

Qualifying arrangements

3. For the purposes of section 105 of the Act arrangements qualify under that section in relation to Wales if —

(**1**) 2000 c. 21.
(**2**) S.I.2000/3384 (W. 222).

(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(b) the registration has not been cancelled or withdrawn in accordance with regulation 5; and

(c) the arrangements are identified by the name "Individual Learning Account Wales".

Meaning of Eligible Person

4.—(1) For the purposes of these Regulations a person is an eligible person if that person, at the date of registration, satisfies the conditions contained in paragraphs (2) to (5) below.

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

(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(**3**);

(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 (a) 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 the person is either —

(a) resident in Wales, or

(b) temporarily resident outside Wales but ordinarily resident in Wales (unless regulation 10 applies).

(5) The fourth condition is that the person has not attained a level of educational qualification above Level 2 or equivalent as set out in the national qualifications framework (**4**).

Registration — General

5.—(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 consider an application for registration unless such information or documents are provided.

(**3**) 1971 c. 77; amended, and subsection (2A) inserted, by The British Nationality Act 1981 (c. 61), section 39 and Schedule 4.

(**4**) In accordance with the regulatory authorities' functions in respect of external qualifications and with national policy, the national qualifications framework is published jointly by the Qualifications, Curriculum and Assessment Authority for Wales, the Qualifications and Curriculum Authority (England) and the Council for Curriculum, Examinations and Assessment (Northern Ireland). Qualifications are listed by category and level. The framework may be accessed on www.accac.org.uk.

(2) A learning account administrator may at any time cancel a registration if —

(a) it appears to the learning account administrator that any information provided under paragraph (1) was false in a material particular; or

(b) the individual learning account holder reaches a level of educational qualification at Level 3 or above, or equivalent, as set out in the national qualifications framework; or

(c) the individual learning account holder is no longer ordinarily resident in Wales.

(3) An individual learning account holder may at any time withdraw his or her registration with a learning account administrator.

(4) Where a person is a party to a qualifying arrangement any subsequent registration with a learning account administrator is to be of no effect.

Grants to or in respect of individual learning account holders

6. Grants may be paid in accordance with regulations 7 to 9 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 7; and

(c) the individual learning account holder at the time of payment of the grant is ordinarily resident in Wales.

Education and training for which grant can be paid

7.—(1) The education or training referred to in regulation 6 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 been approved by a learning account administrator and whose approval has not been withdrawn.

(2) In this regulation "excepted education" is —

(a) secondary education (within the meaning of section 2 of the Education 1996(**5**)); or

(b) any other category of education specified by the National Assembly for Wales from time to time.

Amount of grant

8. The amount of grant which may be paid to or in respect of an individual learning account holder is the amount as decided by the National Assembly for Wales from time to time.

Grants — supplementary provision

9.—(1) Grants are to 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 is not be paid until the individual learning account holder has made or secured the making of any payment towards the costs of the education or training as is necessary).

(2) Grants are to be paid to the person providing the education or training.

(**5**) 1996 c. 56.