STATUTORY RULES OF NORTHERN IRELAND

2000 No. 379

EDUCATION AND TRAINING

The Individual Learning Accounts Regulations (Northern Ireland) 2000

Made - - - -	*November 2000*
Coming into operation	*December 2000*

The Department of Higher and Further Education, Training and Employment, in exercise of the powers conferred on it by sections 106, 109 and 152 of the Learning and Skills Act 2000(**1**), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Individual Learning Accounts Regulations (Northern Ireland) 2000 and shall come into operation on December 2000.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Learning and Skills Act 2000;

"the Department" means the Department of Higher and Further Education, Training and Employment;

"eligible person" has the meaning given in regulation 4;

"individual learning account holder" means a person who is a party to qualifying arrangements (as specified in regulation 3);

"learning account administrator" means a body which has the benefit of an approval given by the Department for the purposes of these Regulations and not withdrawn;

(2) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to these Regulations as it applies to an Act of the Assembly.

(**1**) 2000 c. 21
(**2**) 1954 c. 33 (N.I.)

Qualifying arrangements

3.—(1) For the purposes of section 106 of the Act arrangements are qualifying arrangements under that section if—

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(b) the registration has not been cancelled or withdrawn in accordance with regulation 5.

(2) For the purposes of section 106 of the Act arrangements are also qualifying arrangements if they are—

(a) arrangements which qualify under section 105 of the Act by virtue of regulations made by the Secretary of State for Education and Employment; or

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

(c) arrangements which qualify under any provision of an Act of the Scottish Parliament which corresponds to section 105 of the Act,

and if the person who is a party to them is resident in Northern Ireland and satisfies the condition in sub-paragraph (3)(*a*) or that in sub-paragraph (3)(*b*).

(3) The condition is:

(a) that the person has attained the age of 18 at the date of registration and satisfies the condition set out in regulation 4(3); or

(b) that a grant has been paid in respect of the person's education and training pursuant to—

(i) regulations under section 108 of the Act made by the Secretary of State for Education and Employment;

(ii) regulations under section 108 of the Act made by the National Assembly for Wales;

(iii) regulations under any Act of the Scottish Parliament which corresponds to section 108 of the Act.

Meaning of eligible person

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

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

(3) The second condition is that the person—

(a) is settled in the United Kingdom within the meaning of the Immigration Act 1971(**3**);

(b) is a refugee, ordinarily resident in the United Kingdom who has not ceased to be so resident since he was recognised as a refugee, or who is the spouse, child, or stepchild of such a refugee;

(c) 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 he is considered not to qualify for recognition as a refugee, it is thought right to allow him to remain in the United Kingdom;

(ii) has been granted leave to enter or remain accordingly, and

(**3**) 1971 c. 77; amended by the British Nationality Act 1981 (c. 61), section 39 and Schedule 4, by the Immigration Act 1998 (c. 14), sections 1, 3, 4, 6 and 10 and the Schedule, and by the Asylum and Immigration Appeals Act 1993 (c. 23), sections 10 to 12