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STATUTORY INSTRUMENTS

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**1997 No. 1909**

**The Jobseeker's Allowance (Workskill Courses) Pilot (No. 2) Regulations 1997**

**PART I**

**General**

**Citation, commencement and duration**

1.—(1) These Regulations may be cited as the Jobseeker's Allowance (Workskill Courses) Pilot (No. 2) Regulations 1997 and shall come into force on 1st September 1997.

(2) These Regulations (other than the transitional provisions of regulation 26) shall cease to have effect on 31st August 1998, unless revoked with effect from an earlier date.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Jobseekers Act 1995;

“benefit” means income support, unemployment benefit or jobseeker's allowance and “receiving benefit” means receiving benefit which that person has claimed and received as an unemployed person or in accordance with Part I of the Act, but does not include jobseeker's allowance received by virtue of an entitlement under regulation 170 of the Jobseeker's Allowance Regulations;

“caring responsibilities” has the same meaning as in regulation 4 of the Jobseeker's Allowance Regulations;

“casual employment” means employment from which the employee can be released without his giving any notice or, if he is required to give notice, employment from which he can be released before the end of the vacation;

“employment officer” means an officer of the Secretary of State;

“employment-related course” has the same meaning as it has in regulation 1(3) of the Jobseeker's Allowance Regulations;

“examination” means an examination which is specified as an examination related to the workskill course in a document signed on behalf of the establishment at which the workskill course is being undertaken;

“full-time employment” means remunerative work as defined in regulation 51(1)(a) of the Jobseeker's Allowance Regulations;

“full-time student” has the same meaning as in regulation 1(3) of the Jobseeker's Allowance Regulations;

“the Jobseeker’s Allowance Regulations” means the Jobseeker’s Allowance Regulations 1996(1);

“jobseeking period” has the meaning prescribed in regulation 47 and 47A of the Jobseeker’s Allowance Regulations(2);

“made a claim for jobseeker’s allowance” includes treated as having made a claim for the allowance and treated as having an award of the allowance in accordance with regulation 5, 6 or 7 of the Jobseeker’s Allowance (Transitional Provisions) Regulations 1996(3);

“part-time employment” means employment which is not full-time employment;

“part-time student” has the same meaning as in regulation 1(3) of the Jobseeker’s Allowance Regulations;

“period of study” has the same meaning as it has in regulation 4 of the Jobseeker’s Allowance Regulations;

“qualifying person” has the meaning given in regulation 3(1);

“region” means a region set out in Part I of Part II of the Schedule to these Regulations;

“term-time” means the period specified as term-time in relation to a qualifying person in a document signed on behalf of the establishment at which the workskill course is being undertaken;

“vacation” means any period falling within the period of study, as defined in regulation 4 of the Jobseeker’s Allowance Regulations, which is not term-time;

“week” means benefit week as defined in regulation 1(3) of the Jobseeker’s Allowance Regulations except in Part IV where it means any period of seven consecutive days;

“workskill course” has the meaning given in regulation 3(2).

- (2) In these Regulations, unless the context otherwise requires, a reference
- (a) to a numbered Part is to the Part of these Regulations bearing that number;
  - (b) to a numbered regulation is to the regulation in these Regulations bearing that number;
  - (c) in a regulation to a numbered paragraph is to the paragraph in that regulation bearing that number; and
  - (d) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

## Application

- 3.—(1) For the purposes of these Regulations, a qualifying person is a person—
- (a) who is undertaking a workskill course,
  - (b) who has undertaken a workskill course and had good cause for any act or omission in relation to that course or who has not previously undertaken a workskill course,
  - (c) with whom an employment officer has agreed that he may undertake a workskill course, having regard to the factors listed in paragraph (3), and

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(1) S.I.1996/207, as amended by the Jobseeker’s Allowance (Amendment) Regulations 1996, S.I. 1996/1516, the Jobseeker’s Allowance and Income Support (General) (Amendment) Regulations 1996, S.I. 1996/1517, the Social Security and Child Support (Jobseeker’s Allowance) (Miscellaneous Amendments) Regulations 1996, S.I. 1996/2538, the Social Security (Miscellaneous Amendments) Regulations 1997, S.I. 1997/454 and the Social Security (Jobseeker’s Allowance and Mariners’ Benefit) (Miscellaneous Amendments) Regulations 1997, S.I. 1997/563.

(2) Regulation 47A was inserted by regulation 2 of the Social Security and Child Support (Jobseeker’s Allowance) (Miscellaneous Amendments) Regulations 1996, S.I. 1996/2538.

(3) S.I. 1996/2567.

- (d) who has made a claim for jobseeker's allowance and has been receiving benefit within a jobseeking period for six months or more at the time he started the workskill course or is due to start the course, and for the purposes of this regulation, the linking provision set out in regulation 48 of the Jobseeker's Allowance Regulations<sup>(4)</sup> shall apply.
- (2) A workskill course is a course which
  - (a) is an employment-related course,
  - (b) lasts no more than 12 consecutive months, and
  - (c) is a course of a description falling within Schedule 2 to the Further and Higher Education Act 1992<sup>(5)</sup> or is a programme of learning falling within section 6 of the Further and Higher Education (Scotland) Act 1992<sup>(6)</sup>.
- (3) The factors which an employment officer must take into account when deciding whether to agree that the claimant may undertake a workskill course are:
  - (a) his skills, qualifications and abilities;
  - (b) whether the course would assist him to acquire new skills and qualifications;
  - (c) whether he would have to give up a course of study as defined in regulation 1(3) of the Jobseeker's Allowance Regulations in order to undertake this course;
  - (d) any needs arising from his physical or mental condition;
  - (e) the time which has elapsed since he was last employed;
  - (f) his work experience;
  - (g) the number of jobs in the labour market and, if relevant, the local labour market, which require the skills and qualifications which he would acquire on the course;
  - (h) any evidence about whether this course or this type of course has facilitated the obtaining by persons of work; and
  - (i) the number of persons attending an office of the Department for Education and Employment in the same region as him in accordance with a notice under regulation 23 of the Jobseeker's Allowance Regulations to whom Part II or Part III applies, which number shall not normally significantly exceed 2000 in any region.

#### **Modification of Jobseeker's Allowance Regulations**

4. These Regulations modify the Jobseeker's Allowance Regulations to the extent prescribed in Parts II, III, IV, V and VII in so far as those Regulations apply to a person to whom these Regulations apply.

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(4) Regulation 48 was amended by regulation 2 of the Social Security and Child Support (Jobseeker's Allowance) (Miscellaneous Amendments) Regulations 1996, S.I. [1996/2538](#).

(5) [1992 c. 13](#).

(6) [1992 c. 37](#).