
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 218

The Jobseeker's Allowance Regulations (Northern Ireland) 2016

PART 5

CONDITIONS OF ENTITLEMENT

Relevant education

- 44.—(1) For the purposes of the Order—
- (a) a person is to be treated as receiving relevant education if they are a qualifying young person; and
 - (b) the following are to be treated as relevant education—
 - (i) undertaking a full-time course of advanced education; and
 - (ii) undertaking any other full-time course of study or training at an educational establishment for which a student loan, grant or bursary is provided for the person's maintenance or would be available if the person applied for it.
- (2) In paragraph (1)(b)(i), “course of advanced education” means—
- (a) a course of study leading to —
 - (i) a postgraduate degree or comparable qualification;
 - (ii) a first degree or comparable qualification;
 - (iii) a diploma of higher education;
 - (iv) a higher national diploma; or
 - (b) any other course of study which is of a standard above advanced GNVQ or equivalent, including a course which is of a standard above a general certificate of education (advanced level), or above a Scottish national qualification (higher or advanced higher).
- (3) A claimant who is not a qualifying young person and is not undertaking a course described in paragraph (1)(b) is nevertheless to be treated as receiving relevant education if the claimant is undertaking a course of study or training that is not comparable with any work-related requirement imposed on the claimant by the Department.
- (4) For the purposes of paragraph (1)(b), a person is to be regarded as undertaking a course—
- (a) throughout the period beginning on the date on which the person starts undertaking the course and ending on the last day of the course or on such earlier date (if any) as the person finally abandons the course or is dismissed from it; or
 - (b) where a person is undertaking a part of a modular course, for the period beginning on the day on which that part of the course starts and ending—
 - (i) on the last day on which the person is registered with the provider of the course, or part of the course, as undertaking that part; or

- (ii) on such earlier date (if any) as the person finally abandons the course or is dismissed from it.
- (5) The period referred to in paragraph (4)(b) includes—
- (a) where a person has failed examinations or has failed to complete successfully a module relating to a period when the person was undertaking a part of the course, any period in respect of which the person undertakes the course for the purpose of retaking those examinations or that module; and
 - (b) any period of vacation within the period specified in paragraph (4)(b) or immediately following that period except where the person has registered with the provider of the course, or part of the course, to attend or undertake the final module in the course and the vacation immediately follows the last day on which the person is to attend or undertake the course.
- (6) A person is not to be regarded as undertaking a course by virtue of this regulation for any part of the period mentioned in paragraph (4) during which the following conditions are met—
- (a) the person has, with the consent of the relevant educational establishment, ceased to attend or undertake the course because they are ill or caring for another person;
 - (b) the person has recovered from that illness or ceased caring for that person within the past year, but not yet resumed the course; and
 - (c) the person is not eligible for a grant or student loan.
- (7) In this regulation, except where paragraph (8) applies, “qualifying young person” means a person who has reached the age of 16 but not the age of 20—
- (a) up to, but not including, the 1st September following their 16th birthday; and
 - (b) up to, but not including, the 1st September following their 19th birthday, if they are enrolled in, or accepted for, approved training or a course of education—
 - (i) which is not a course of advance education;
 - (ii) which is provided at a school or college or provided elsewhere but approved by the Department; and
 - (iii) where the average time spent during term time (excluding meal breaks) in receiving tuition, engaging in practical work, or supervised study, or taking examinations exceeds 12 hours per week.
- (8) A person is not a “qualifying young person” within the meaning in paragraph (7) where they—
- (a) are aged 19 and have not started the education or training or been enrolled or accepted for it before reaching the age of 19;
 - (b) fall within paragraph (7)(b) and their education or training is provided by means of a contract of employment; or
 - (c) are receiving universal credit, an employment or support allowance or a jobseeker's allowance.
- (9) In this regulation—
- “approved training” means training in pursuance of arrangements made under section 3 of the Employment and Training Act (Northern Ireland) 1950 ^{M1} which is approved by the Department for the purposes of this regulation;
- “modular course” means a course which consists of two or more modules, the successful completion of a specified number of which is required before a person is considered by the educational establishment to have completed the course;

“student loan” means a loan towards a student's maintenance pursuant to any regulations made under Article 3 of the Education (Student Support) (Northern Ireland) Order 1998^{M2}, section 22 of the Teaching and Higher Education Act 1998^{M3}, section 73 of the Education (Scotland) Act 1980^{M4}, including in Scotland a young student's bursary paid under regulation 4(1)(c) of the Students' Allowances (Scotland) Regulations 2007^{M5}.

Marginal Citations

- M1** 1950 c. 29 (N.I.)
- M2** S.I. 1998/1760 (N.I. 14); Article 3 was amended by section 147(3) of the [Learning and Skills Act 2000](#) (c. 21), the [Income Tax \(Earnings and Pensions\) Act 2003](#) (c. 1), the [Finance Act 2003](#) (c. 14) and Articles 12(2) and (3) and 15 of and the Schedule to the [Higher Education \(Northern Ireland\) Order 2005](#) (S.I. 2005/1116 (N.I. 5))
- M3** 1998 c. 30; section 22 was amended by section 146(2) of the [Learning and Skills Act 2000](#)
- M4** 1980 c. 44. Section 73 was amended by section 73 of the [Self-Governing Schools etc \(Scotland\) Act 1989](#) (c. 39), [section 29](#) of the [Teaching and Higher Education Act 1998](#) (c. 30) and section 3 of the [Education \(Graduate Endowment and Student Support\) \(Scotland\) Act 2001](#) (asp 6)
- M5** S.S.I. 2007/153

Changes to legislation:

There are currently no known outstanding effects for the The Jobseeker's Allowance Regulations (Northern Ireland) 2016, Section 44.