

---

STATUTORY INSTRUMENTS

---

**2012 No. 757**

**The Social Security (Miscellaneous  
Amendments) Regulations 2012**

**PART 3**

Amendments relating to full-time, non-advanced education

**Amendments relating to full-time, non-advanced education: income support**

**11.** In paragraph 15A of Schedule 1B to the Income Support Regulations<sup>(1)</sup> (prescribed categories of persons: persons under 21 with no parents, or living away from their parents, undertaking full-time, non-advanced education)—

(a) for the heading substitute—

*“Certain persons who have enrolled on, been accepted for  
or are undertaking full-time, non-advanced education”;*

(b) for sub-paragraphs (1) to (4) substitute—

“(1) A person (“P”) who satisfies the following conditions.

(2) The first condition is that P has enrolled on, been accepted for or is undertaking a course of full-time, non-advanced education.

(3) The second condition is that P is—

(a) under the age of 21; or

(b) 21 and attained that age whilst undertaking a course of full-time, non-advanced education.

(4) The third condition is that—

(a) P has no parent;

(b) of necessity P has to live away from P’s parents because—

(i) P is estranged from P’s parents,

(ii) P is in physical or moral danger, or

(iii) there is a serious risk to P’s physical or mental health; or

(c) P is living away from P’s parents because they are unable to support P financially and are—

(i) chronically sick or mentally or physically disabled,

(ii) detained in custody pending trial or sentencing upon conviction or under a sentence imposed by a court, or

(iii) prohibited from entering or re-entering Great Britain.”;

---

<sup>(1)</sup> Schedule 1B is inserted by [S.I.1996/206](#). Paragraph 15A is inserted by [S.I.2009/583](#) and amended by [S.I.2009/2665](#).

- (c) sub-paragraph (5) is omitted;
- (d) in sub-paragraph (6), for the definition of “course of full-time, non-advanced education”, substitute—
  - ““course of full-time, non-advanced education” means a course of full-time education which is not a course of advanced education and which is not provided to P by virtue of P’s employment or any office held by P, which is—
  - (a) provided at a school or college, or
  - (b) provided elsewhere but is approved by the Secretary of State as being such a course,and for this purpose, “course of advanced education” has the same meaning as in regulation 61(1)”

**Amendments relating to full-time non-advanced education: housing benefit**

**12.** In regulation 56 of the Housing Benefit Regulations(2) (full-time students to be treated as not liable to make payments in respect of a dwelling)—

- (a) for paragraph (2)(h) substitute—
  - “(h) who is—
  - (i) aged under 21 and whose course of study is not a course of higher education;
  - (ii) aged 21 and attained that age during a course of study which is not a course of higher education; or
  - (iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);”;
- (b) for paragraph (2A) substitute—
  - “(2A) Paragraph (2)(h)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21.”.

**Amendments relating to full-time non-advanced education: council tax benefit**

**13.** In regulation 45 of the Council Tax Benefit Regulations(3) (students who are excluded from entitlement to council tax benefit)—

- (a) for paragraph (3)(h) substitute—
  - “(h) who is—
  - (i) aged under 21 and whose course of study is not a course of higher education;
  - (ii) aged 21 and attained that age during a course of study which is not a course of higher education; or
  - (iii) a qualifying young person or child within the meaning of section 142 of the Act (child and qualifying young person);”;
- (b) for paragraph (3A) substitute—
  - “(3A) Paragraph (3)(h)(ii) only applies to a claimant until the end of the course during which the claimant attained the age of 21.”.

---

(2) Regulation 56(2)(h) is substituted by [S.I. 2006/718](#) and amended by [S.I.2009/583](#). Paragraph (2A) is inserted by [S.I. 2009/583](#) and amended by [S.I.2010/641](#). There are other amendments to regulation 56 which are not material to these Regulations.

(3) Regulation 45(3)(h) is substituted by [S.I.2006/718](#) and amended by [S.I.2009/583](#). Paragraph (3A) is inserted by [S.I. 2009/583](#) and amended by [S.I.2010/641](#). There are other amendments to regulation 45 which are not material to these Regulations.

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---