
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 121

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

PART 3

AMENDMENTS RELATING TO FULL-TIME, NON-ADVANCED EDUCATION

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

9. In paragraph 15A of Schedule 1B(1) to the Income Support Regulations (prescribed categories of person: 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”;* and

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

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

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

(3) The second condition is that he 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) he has no parent;

(b) of necessity he has to live away from his parents because—

(i) he is estranged from his parents,

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

(iii) there is a serious risk to his physical or mental health; or

(c) he is living away from his parents because they are unable to support him 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

(1) Schedule 1B was inserted by regulation 22 of [S.R. 1996 No. 199](#); paragraph 15A was inserted by regulation 2(11)(b) of [S.R. 2009 No. 92](#) and amended by regulation 2(13)(b) of [S.R. 2009 No. 338](#)

- (iii) prohibited from entering or re-entering Northern Ireland.”;
- (c) omit sub-paragraph (5); and
- (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 the person by virtue of his employment or any office held by him, which is—
 - (a) provided at a school or college; or
 - (b) provided elsewhere but is approved by the Department as being such a course, and for this purpose, “a course of advanced education” has the same meaning as in regulation 61(1);.”.

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

10. In regulation 53 of the Housing Benefit Regulations (full-time students to be treated as not liable to make payments in respect of a dwelling)—

- (a) for paragraph (2)(h)(2) 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 138 of the Act(3) (child and qualifying young person);”; and
- (b) for paragraph (2A)(4) 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.”.

(2) Sub-paragraph (h) was amended by regulation 6(6)(a) of [S.R. 2009 No. 92](#)

(3) Section 138 was substituted by section 2(2) of the Child Benefit Act 2005 (c. 6); *see also* regulation 2 of [S.I. 2006/223](#)

(4) Paragraph (2A) was inserted by regulation 6(6)(b) of [S.R. 2009 No. 92](#) and amended by regulation 8(7) of [S.R. 2010 No. 69](#)