
STATUTORY INSTRUMENTS

2013 No. 379

The Employment and Support Allowance Regulations 2013

PART 3

Conditions of entitlement

Condition relating to youth – claimants aged 20 or over but under 25

10.—(1) For the purposes of paragraph 4(1)(a) of Schedule 1 to the Act, a claimant who satisfies the conditions specified in paragraph (2) falls within a prescribed case.

(2) The conditions are that the claimant—

(a) registered on a course of—

- (i) full-time advanced or secondary education; or
- (ii) training,

at least three months before attaining the age of 20; and

(b) not more than one academic term immediately after registration attended one or more such courses in respect of a period referred to in paragraph (3).

(3) The period mentioned in paragraph (2)(b) is a period which—

- (a) began on or before a day at least three months before the day the claimant attained the age of 20; and
- (b) ended no earlier than the beginning of the last two complete tax years before the relevant benefit year which would have applied if the claimant was entitled to an employment and support allowance having satisfied the first contribution condition and the second contribution condition.

(4) For the purposes of this regulation a claimant is to be treated as attending a course on any day on which the course is interrupted by an illness or domestic emergency.

(5) In this regulation—

“full-time” includes part-time where the person’s disability prevents attendance at a full-time course;

“secondary education” means a course of education below a course of advanced education by attendance—

(a) at an establishment recognised by the Secretary of State—

- (i) as being a university, college or school; or
- (ii) as comparable to a university, college or school;

(b) at an establishment that is not mentioned in paragraph (a) where the Secretary of State is satisfied that the education is equivalent to that given in an establishment recognised—

- (i) as being a university, college or school; or
- (ii) as comparable to a university, college or school.

(6) A claimant is to be treated as not having limited capability for work on a day which is not, for the purposes of paragraph 4(1)(d)(ii) of Schedule 1 to the Act (period of 196 consecutive days preceding the relevant period of limited capability for work), part of a period of consecutive days of limited capability for work.