
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 216

The Universal Credit Regulations (Northern Ireland) 2016

PART 2 **N.I.**

ENTITLEMENT

Receiving education

Meaning of “receiving education” **N.I.**

12.—(1) For the basic condition in Article 9(1)(d) of the Order (not receiving education) a qualifying young person is to be treated as receiving education.

(2) In any other case “receiving education” means—

- (a) undertaking a full-time course of advanced education, or
- (b) undertaking any other full-time course of study or training at an educational establishment for which a student loan or grant is provided for the person's maintenance.

(3) “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).

(4) A claimant who is not a qualifying young person and is not undertaking a course described in [F1 paragraph (2)] is nevertheless to be treated as receiving education if the claimant is undertaking a course of study or training that is not compatible with any work-related requirement imposed on the claimant by the Department.

Textual Amendments

- F1** Words in [reg. 12\(4\)](#) substituted (coming into force in accordance with [reg. 1\(3\)](#) of the amending Rule) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/116\)](#), [regs. 1\(3\), 9\(2\)](#)

Meaning of “undertaking a course” **N.I.**

13.—(1) For the purposes of these Regulations a person is to be regarded as undertaking a course of education, study or training—

- (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 it 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 as undertaking that part, or
 - (ii) on such earlier date (if any) as the person finally abandons the course or is dismissed from it.

(2) The period referred to in paragraph (1)(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 completing that module, and
- (b) any period of vacation within the period specified in paragraph (1)(b) or immediately following that period except where the person has registered 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.

(3) In 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.

(4) A person is not to be regarded as undertaking a course for any part of the period mentioned in paragraph (1) 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.

Exceptions to the requirement not to be receiving education **N.I.**

14.—^[F2](1) A person does not have to meet the basic condition in Article 9(1)(d) of the Order (not receiving education) if —

- (a) the person —
 - (i) is undertaking, a full-time course of study or training which is not a course of advanced education,
 - (ii) is under the age of 21, or is 21 and reached that age whilst undertaking the course, and
 - (iii) is without parental support (as defined in regulation 8(3)),

^[F3](b) the person is entitled to attendance allowance, disability living allowance, child disability payment ^[F4], adult disability payment] or personal independence payment and, on a date before the date on which the person starts receiving education—

- (i) it has been determined that the person has limited capability for work or limited capability for work and work-related activity on the basis of an assessment under Part 5 or under Part 4 or 5 of the ESA Regulations; or

- (ii) the person is treated as having limited capability for work under Schedule 8 or limited capability for work and work-related activity under Schedule 9;]
- (c) the person is responsible for a child or a qualifying young person,
- (d) the person is a single person and a foster parent with whom a child is placed,
- (e) the person is a member of a couple, both of whom are receiving education, and the other member is—
 - (i) responsible for a child or qualifying young person, or
 - (ii) a foster parent with whom a child is placed, or
- (f) the person—
 - (i) has reached the qualifying age for state pension credit, and
 - (ii) is a member of a couple the other member of which has not reached that age.

^{F5}(2)

Textual Amendments

- F2** Reg. 14 renumbered as reg. 14(1) (5.8.2020) by The Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations (Northern Ireland) 2020 (S.R. 2020/166), regs. 1(1), **2(1)(a)** (with reg. 1(2))
- F3** Reg. 14(1)(b) substituted (15.12.2021) by The Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/303), regs. 1(1), **2(a)**
- F4** Words in reg. 14(1)(b) inserted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **28(3)**
- F5** Reg. 14(2) omitted (15.12.2021) by virtue of The Universal Credit (Exceptions to the Requirement not to be receiving Education) (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/303), regs. 1(1), **2(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations (Northern Ireland) 2016, Cross Heading: Receiving education.