
STATUTORY INSTRUMENTS

2008 No. 794

The Employment and Support Allowance Regulations 2008

PART 4

CONDITIONS OF ENTITLEMENT – INCOME-RELATED ALLOWANCE

Meaning of education

14.—(1) Subject to regulations 15 and 16, for the purposes of paragraph 6 of Schedule 1 to the Act, “education” means a course of study to which paragraph (2) applies which is being undertaken at an educational establishment.

(2) This paragraph applies to a course of study which is—

- (a) a full-time course which is not funded in whole or in part by—
 - (i) the Learning and Skills Council for England;
 - (ii) the Welsh Ministers; or
 - (iii) the Scottish Ministers at a college of further education;
- (b) a full-time course of higher education which is funded in whole or in part by the Scottish Ministers;
- (c) funded in whole or in part by the Learning and Skills Council for England or by the Welsh Ministers if it involves more than 16 guided learning hours per week for the student in question, according to the number of guided learning hours per week for that student set out—
 - (i) in the case of a course funded by the Learning and Skills Council for England, in the student’s learning agreement signed on behalf of the establishment which is funded by that Council for the delivery of that course; or
 - (ii) in the case of a course funded by the Welsh Ministers, in a document signed on behalf of the establishment which is funded by those Ministers for the delivery of that course;
- (d) not a course of higher education and which is funded in whole or in part by the Scottish Ministers at a college of further education and involves—
 - (i) more than 16 hours per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff according to the number of hours set out in a document signed on behalf of the college; or
 - (ii) 16 hours or less per week of classroom-based or workshop-based programmed learning under the direct guidance of teaching staff and it involves additional hours using structured learning packages supported by the teaching staff where the combined total of hours exceeds 21 per week according to the number of hours set out in a document signed on behalf of the college; or

(e) a sandwich course within the meaning prescribed in regulation 2(9) of the Education (Student Support) Regulations 2007(1), regulation 4(2) of the Education (Student Loans) (Scotland) Regulations 2007(2) or regulation 2(8) of the Education (Student Support) Regulations (Northern Ireland) 2007(3).

(3) In this regulation “higher education” means higher education within the meaning of Part 2 of the Further and Higher Education (Scotland) Act 1992(4).

(1) S.I. 2007/176.

(2) S.S.I. 2007/154.

(3) S.R. 2007/195.

(4) 1992 c. 37, amended by the Further and Higher Education (Scotland) Act 2005 (asp. 6).