



STATUTORY INSTRUMENTS.

S.I. No. 327 of 2016

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 1) (EXEMPTION FROM
DISQUALIFICATION FOR COURSE OF STUDY) REGULATIONS 2016

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 1) (EXEMPTION FROM DISQUALIFICATION FOR COURSE OF STUDY) REGULATIONS 2016

I, LEO VARADKAR, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (adapted by the Social and Family Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 186 of 2010)), 68A (inserted by section 7 of the Social Welfare (Miscellaneous Provisions) Act 2010 (No. 28 of 2010)) and 148 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby make the following Regulations:

Citation and construction

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 1) (Exemption from Disqualification for Course of Study) Regulations 2016.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2015 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2016.

Definition

2. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

Exemption from disqualification for course of study

3. The Principal Regulations are amended—

- (a) by the substitution of the following article for article 47A (inserted by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Jobseeker’s Payments) Regulations 2011 (S.I. No. 320 of 2011)):

“Exemption from disqualification for course of study

47A. (1) A person shall not be disqualified for receiving job-seeker’s benefit—

- (a) in accordance with section 68A(3)(a) while participating in a course provided or approved by an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013 (No. 11 of 2013) and known as Youthreach,
- (b) in accordance with section 68A(3)(c) while attending a course of study, where that person is a mature student, or

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 24th June, 2016.

- (c) in accordance with section 68A, where that person is participating in an activity within the meaning of article 120 and article 120(4) applies to that person.

(2) In this article—

“approved course”, “approved higher education course” and “approved post-leaving certificate course” shall be construed in accordance with section 8 of the Student Support Act 2011 (No. 4 of 2011) and Regulation 4 of the Student Support Regulations 2015 (S.I. No. 154 of 2015);

“course of study” has the meaning given to it in section 148;

“mature student” means a student who on 1 January—

- (a) in the year of entry for the first time to an approved post-leaving certificate course,
- (b) in the year of entry for the first time to an approved higher education course (other than a course known for the time being as a post-leaving certificate course), or
- (c) in the year of re-entry to an approved course,

is at least 23 years old.”, and

- (b) by the substitution of the following article for article 121 (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 2) (Jobseeker’s Payments) Regulations 2011 (S.I. No. 320 of 2011)):

“Exemption from disqualification for course of study

121. (1) A person shall not be disqualified for receiving jobseeker’s allowance—

- (a) in accordance with section 148(3)(a) while participating in a course provided or approved by an education and training board specified in Schedule 2 to the Education and Training Boards Act 2013 (No. 11 of 2013) and known as Youthreach,
- (b) in accordance with section 148(3)(c) while attending a course of study, where that person is a mature student, or
- (c) in accordance with section 148, where that person is participating in an activity within the meaning of article 120 and article 120(4) applies to that person.

(2) In this article—

“approved course”, “approved higher education course” and “approved post-leaving certificate course” shall be construed in accordance with section 8 of the Student Support Act 2011 (No. 4 of 2011) and Regulation 4 of the Student Support Regulations 2015 (S.I. No. 154 of 2015);

“course of study” has the meaning given to it in section 148;

“mature student” means a student who on 1 January—

- (a) in the year of entry for the first time to an approved post-leaving certificate course,
- (b) in the year of entry for the first time to an approved higher education course (other than a course known for the time being as a post-leaving certificate course), or
- (c) in the year of re-entry to an approved course,

is at least 23 years old.”.



GIVEN under my Official Seal,
20 June 2016.

LEO VARADKAR,
Minister for Social Protection.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Sections 68A and 148 of the Social Welfare Consolidation Act 2005 provide that, subject to exceptions to be provided for by regulation, a person is disqualified from Jobseeker's Benefit or Jobseeker's Allowance while that person is attending a course of study. In respect of second level education, a person is regarded as attending a course of study for a period of three months immediately following the completion or leaving by that person of second level education.

Articles 47A and 121 of the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007) currently provide for two exceptions to the disqualification from Jobseeker's Benefit or Jobseeker's Allowance in accordance with sections 68A and 148 of the Social Welfare Consolidation Act 2005 while a person is attending a course of study. These exceptions apply to—

- mature students in respect of the interval between the end of one academic year and the beginning of the next, and
- long-term unemployed persons under the age of 21 years who engage in certain approved educational, training or development activities.

Currently, participants on the Department of Education and Skills' Youthreach programme who return to second chance education (i.e. undertake a Junior Certificate or Leaving Certificate course on a Youthreach programme) are not exempt from the three month disqualification for Jobseeker's Benefit or Jobseeker's Allowance following the completion or the leaving by that person of that second chance education.

These Regulations replace articles 47A and 121 to provide for a third exception to the disqualification for Jobseeker's Benefit or Jobseeker's Allowance while a person is attending a course of study. The three month disqualification that currently applies to Youthreach participants will now no longer apply.

The Regulations also update the references to relevant statutes and regulations as respects the application of the existing exemption for mature students.

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nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B32131). 285. 6/16. Essentra. Gr 30-15.