

The Supplementary Benefits Act 1976

**THE SUPPLEMENTARY BENEFIT (REQUIREMENTS, RESOURCES,  
DETERMINATION OF QUESTIONS, CLAIMS AND PAYMENTS AND  
SINGLE PAYMENTS) (AMENDMENT) REGULATIONS 1995**

*Approved by Tynwald 22 March 1995*

*Coming into operation 10th April 1995*

In exercise of the powers contained in sections 2(2) and 34(1) of, and paragraphs 1(2) and (3) and 2(1) and (4) of Schedule 1 to, the Supplementary Benefits Act 1976 (as that Act has effect in the Isle of Man<sup>(a)</sup>) and of all other enabling powers, the Department of Health and Social Security hereby make the following Regulations:-

*Citation, commencement and interpretation*

1. (1) These Regulations may be cited as the Supplementary Benefit (Requirements, Resources, Determination of Questions, Claims and Payments and Single Payments) (Amendment) Regulations 1995 and, subject to section 33(3) of the Supplementary Benefits Act 1976 as that Act has effect in the Isle of Man, shall come into operation on 10th April 1995.

(2) In these Regulations -

"the Requirements Regulations" means the Supplementary Benefit (Requirements) Regulations 1980<sup>(b)</sup>;

"the Resources Regulations" means the Supplementary Benefit (Resources) Regulations 1981<sup>(c)</sup>;

"the Determination of Questions Regulations" means the Supplementary Benefit (Determination of Questions) Regulations 1980<sup>(d)</sup>;

"the Claims and Payments Regulations" means the Supplementary Benefit (Claims and Payments) Regulations 1981<sup>(e)</sup>;

"the Single Payments Regulations" means the Supplementary Benefit Single Payments Regulations 1981<sup>(f)</sup>;

as those Regulations have effect in the Isle of Man.

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<sup>(a)</sup> 1976 c. 71, G.C. 249/80; <sup>(b)</sup> S.I. 1980/1299; <sup>(c)</sup> S.I. 1981/1527;  
<sup>(d)</sup> S.I. 1980/1643; <sup>(e)</sup> S.I. 1981/1525; <sup>(f)</sup> S.I. 1981/1528.

*Amendment of the Requirements Regulations*

2. (1) The Requirements Regulations shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 5(1) (normal requirements or relevant persons and householders) -

- (a) in sub-paragraph (a) for "109.00" there shall be substituted "111.95";
- (b) in sub-paragraph (b) for "84.45" there shall be substituted "86.75";
- (c) in sub-paragraph (c) for "70.90" there shall be substituted "72.80";
- (d) in sub-paragraph (d) for "54.90" there shall be substituted "56.40".

(3) In regulation 9(2) (meals allowance for boarders), in sub-paragraph (b), in head (i) for "1.45" and in heads (ii) and (iii) for "2.10" there shall be substituted "1.50" and "2.15" respectively.

(4) In regulation 9(4)(d) -

- (a) in head (i), for the words "section 29 of that Act)", substitute the words "section 2 of the Nursing and Residential Homes Act 1988 (an Act of Tynwald)";
- (b) for head (ii) substitute -
  - "(ii) he is a person whose accommodation is in premises registered under section 2 of the Nursing and Residential Homes Act 1988 (an Act of Tynwald)."

(5) In regulation 9(8) (allowance for personal expenses of boarders) -

- (a) in sub-paragraph (a), in head (i) for "37.20" and in head (ii) for "33.40" there shall be substituted "38.50" and "34.60" respectively;
- (b) in sub-paragraph (b), in head (i) for "18.75" and in head (ii) for "16.85" there shall be substituted "19.25" and "17.30" respectively;
- (c) in sub-paragraph (c), in head (i) for "5.55" there shall be substituted "5.70".

(6) In regulation 10 -

- (a) in paragraph (3A)(a) for the words "(a) to (c)" substitute the word "(a) and (b)";
- (b) for paragraph (4) substitute -

"(4) In paragraph 1 of Schedule 2 "residential accommodation" means accommodation for a person which is provided -

- (a) pursuant to Part III of the National Assistance (Isle of Man) Act 1951; or
- (b) in premises to which one or more of the following provisions apply -
  - (i) section 24 of the Local Government Act 1949 (nursing homes); or
  - (ii) section 11 of the Mental Health Act 1974 (mental nursing homes etc.); or
  - (iii) section 2 of the Nursing and Residential Homes Act 1988 (residential care homes, mental nursing homes and nursing homes) except premises referred to in section 1(1)(c)(ii) of that Act (maternity homes)."

(7) In regulation 15(3) (deduction for items included in rent) for "10.00", "1.25" and "1.25" there shall be substituted "10.25", "1.30" and "1.30" respectively.

(8) In regulation 17(1) (maintenance and insurance) for "5.70" there shall be substituted "6.00".

(9) In regulation 18(3) -

(a) for the words "the home" substitute the words "the dwelling occupied as the home or where the dwelling forms part of a building any part of the building containing that dwelling";

(b) in sub-paragraph (f) for the words "of the home" substitute the words "of the dwelling occupied as the home, or where the dwelling forms part of a building any part of the building containing that dwelling";

(c) in sub-paragraph (j) for the words "of the home" substitute the words "of the dwelling occupied as the home, or where the dwelling forms part of the building any part of the building containing that dwelling".

(10) In regulation 22 (reduction in amounts applicable for certain occupants of the home), in subsection (4) -

(a) in sub-paragraph (c) for "7.20" there shall be substituted "7.55", and

(b) in sub-paragraph (d) for "25.20" there shall be substituted "26.45".

(11) In regulation 23(1) (non-householder's contribution) -

(a) in sub-paragraph (a) for "7.20" there shall be substituted "7.55";

(b) in sub-paragraph (b) for "14.40" there shall be substituted "15.10".

(12) In Schedule 1 (normal requirements), in column (2) (weekly amount) -

(a) in paragraph A (rates for couples) for "109.00" and "84.45" there shall be substituted "111.95" and "86.75" respectively;

(b) in paragraph B (rates for householders) for "70.90" and "54.90" there shall be substituted "72.80" and "56.40" respectively;

(c) in paragraph 1 (rates for non-householders aged not less than 18 or less than 18 with a dependant) for "54.05" and "41.85" there shall be substituted "55.50" and "43.00" respectively;

(d) in paragraph 2 (rates for non-householders aged less than 18 without a dependant) for "41.20" and "32.35" there shall be substituted "42.30" and "33.20" respectively;

(e) in paragraph 3 (rates for dependants) for "30.75", "21.10", "15.85" and "7.00" there shall be substituted "31.60", "21.65", "16.30" and "7.20" respectively.

(13) In Schedule 3 (additional requirements) -

Subject to paragraph (14), for the amount specified in column (2) of that Schedule in relation to each provision set out in column 1 of Schedule 1 to these regulations, such amount being set out in column 2 of that Schedule 1, there shall be substituted the amount set out in relation to that provision in column 3 of that Schedule 1.

(14) Except for the amounts in column 3 of Schedule 1 to these regulations set out in relation to paragraphs 8, 9A, 9B, 10, 11, 13, and 17, regulation 2(13) of these regulations shall have effect as if for the period 1st January 1996 to 7th April 1996 the amounts set out in that column were greater by £5.90.

*Amendment of the Resources Regulations*

3. In regulation 4 for paragraph (2)(b) substitute -

"(b) is due to be paid to a member of the assessment unit by has not been paid to him,".

*Amendment of the Determination of Questions Regulations*

4. (1) In regulation 1(2) (citation, commencement and interpretation) in the definition of "adjudication regulations" for "1984" substitute "1986".

(2) In regulation 7 (date of commencement etc.), in paragraph (b)(i) for the words "regulation 87(5)" and "regulation 87(5)(b)" substitute the words "regulation 69(5)" and "regulation 69(5)(b)" respectively.

(2) In regulation 8 (suspension of payment) for the words "(under regulation 4 or 5)" substitute the words "(under section 25 of the Social Security Administration Act 1992)".

*Amendment of the Claims and Payments Regulations*

5. In regulation 26(2)(c) omit the words "(a) or (b)".

*Amendment of the Single Payments Regulations*

6. (1) In Schedule 1A (essential furniture and household equipment), in column 2, for the amount opposite the item "cylinder jacket" in column 1, substitute "10.00".

(2) In Part III of Schedule 2 (women's clothing and footwear) in column 2, for the amount opposite the item "Vest - thermal" in column 1, substitute "5.50".

**SCHEDULE 1** (Regulation 2(10))

Amounts substituted in Schedule 3 to the Requirements Regulations

COLUMN 1	COLUMN 2	COLUMN 3
Provision of Schedule 3 to the Requirements Regulations	Old Amount	New Amount
	£	£
Part I - Heating		
Paragraph 1 (ill-health) -		
sub-paragraph (1)	4.15	4.25
sub-paragraph (2)	10.35	10.65
sub-paragraph (3)	10.35	10.65
Paragraph 2 (home difficult to heat) -		
sub-paragraph (a)	4.15	4.25
sub-paragraph (b)	10.35	10.65
Paragraph 3 (central heating) -		
sub-paragraph (a)	4.15	4.25
sub-paragraph (b)	8.20	8.40
Paragraph 5 (estate heating) -		
sub-paragraph (a)	8.20	8.40
sub-paragraph (b)	16.40	16.80
Paragraph 6 (persons receiving certain disability benefits)	10.35	10.65
Paragraph 7 (age-related) -		
sub-paragraph (a)	4.15	4.25
sub-paragraph (b)	4.15	4.25
sub-paragraph (c)	10.35	10.65
Paragraph 7A (miscellaneous)	4.15	4.25
Part II - Items other than heating		
Paragraph 8 (in respect of age)	9.10	9.30
Paragraph 9A (mobility needs)	31.95	32.65
Paragraph 9B (carer)	12.40	12.60
Paragraph 10 (baths)	0.55	0.55

**SCHEDULE 1 (continued)**

COLUMN 1	COLUMN 2	COLUMN 3
Provision of Schedule 3 to the Requirements Regulations	Old Amount	New Amount
	£	£
Part II - Items other than heating (cont.)		
Paragraph 11 (blindness) -		
sub-paragraph (a)	18.50	19.00
sub-paragraph (b)	8.70	8.95
Paragraph 13 (diet) -		
sub-paragraph (a)	6.25	6.40
sub-paragraph (b)	2.80	2.90
sub-paragraph (c)	2.80	2.90
sub-paragraph (d)	17.75	18.25
Paragraph 17 (laundry)	0.95	1.00

Made            9th February            1995

B MAY M.H.K.

Minister for Health and Social Security

**EXPLANATORY NOTE**

(This note is not part of the Order)

1. These Regulations which come into force on 10th April 1995 amend -
  - the Supplementary Benefit (Requirements) Regulations 1980 ("the Requirements Regulations"),
  - the Supplementary Benefit (Resources) Regulations 1981 ("the Resources Regulations"),
  - the Supplementary Benefit (Determination of Questions) Regulations 1980 ("the Determination of Questions Regulations"),
  - the Supplementary Benefit (Claims and Payments) Regulations 1981 ("the Claims and Payments Regulations"), and
  - the Supplementary Benefit (Single Payments) Regulations 1981 ("the Single Payment Regulations").

2.(1) Regulation 1

This regulation deals with citation, commencement and interpretation.

(2) Regulation 2

This regulation is concerned with amendments to the Requirements Regulations.

Paragraph (1) introduces the amendments.

Paragraph (2) prescribes increased rates of normal requirements for couples and single householders.

Paragraph (3) prescribes increased rates of allowances for boarders, for meals not included in the board and lodging charge.

Paragraph (4) amends the text of regulation 9 of the Requirements Regulations to take account of the repeal of section 29 of the National Assistance (Isle of Man) Act 1951 and its replacement by section 2 of the Nursing and Residential Homes Act 1988.

Paragraph (5) prescribes increased rates of allowances for personal expenses for boarders.

Paragraph (6) substitutes regulation 10(4) to amend the definition of "residential accommodation" to take account of the repeal of section 29 of the National Assistance (Isle of Man) Act 1951 and its replacement by section 2 of the Nursing and Residential Homes Act 1988.

Paragraph (7) increases the sums to be deducted from housing requirements where rent is all inclusive of certain expenses covered by normal requirements (heating, lighting, etc.).

Paragraph (8) increases the amount included in housing requirements for owner/occupiers in respect of maintenance and insurance of the home.

Paragraph (9) amends regulation 18 to further define accommodation to which interest on loans for repairs and improvements can be taken into account when assessing housing requirements.

Paragraph (10) increases the rates of assumed contributions from non-dependants, to the housing costs of the household.

Paragraph (11) increases the notional housing requirements of a non-householder claimant.

Paragraph (12) amends Schedule 1 to the regulations to provide for increased rates of normal requirements for couples, householders, non-householders and their dependants.

Paragraph (13) with Schedule 1 to these regulations, increases sums prescribed for additional requirements.

Paragraph (14) provides that all the rates of additional requirements for heating are to be subject to a special increase of £5.90 per week during the period 1 January 1996 to 7 April 1996. This increase is known as the "Winter Heating Supplement".

- (3) Regulation 3 amends the Resources Regulations to remove a reference to regulation 3 or 5 of the Supplementary Benefit (Duplication and Overpayment) Regulations 1980 which were never applied in the Isle of Man, and have since been revoked in the United Kingdom.

- (4) Regulation 4 amends the Determination of Questions Regulations to take account of the repeal of the 1984 Adjudication Regulations by the 1986 Adjudication Regulations, and the application of the Social Security Administration Act 1992 to the Island.
- (5) Regulation 5 amends the Claims and Payments Regulations to remove the reference to paragraphs (a) and (b) in regulation 26(1), which were not applied to the Island.
- (6) Regulation 6 amends the Single Payments Regulations to increase the amounts payable for two particular items.