



Statutory Document No. 39/00

## THE SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS ACT 1992

### THE FAMILY INCOME SUPPLEMENT (GENERAL) (AMENDMENT) REGULATIONS 2000

*Approved by Tynwald 16<sup>th</sup> February 2000*

*Coming into operation 10<sup>th</sup> April 2000*

In exercise of the powers conferred on the Department of Health and Social Security by section 123 and section 128 of the Social Security Contributions and Benefits Act 1992(a) (as that Act has effect in the Isle of Man(b)), and of all other enabling powers, the following Regulations are hereby made:-

#### **Citation, commencement and interpretation**

1. (1) These Regulations may be cited as the Family Income Supplement (General) (Amendment) Regulations 2000 and shall come into operation on 10<sup>th</sup> April 2000.

(2) In these Regulations "the General Regulations" means the Family Income Supplement (General) Regulations 1998(c).

#### **Amendment of the General Regulations 1998**

2. (1) The General Regulations shall be amended in accordance with the following paragraphs.

(2) In the arrangement of regulations for the reference to regulation 67 substitute -

"67. Prevention of duplication of awards of family income supplement and income support".

(3) In regulation 7 (persons of a prescribed description) in paragraph (2)(a) for the words "supplementary benefit" substitute "income support".

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(a) 1992 c.4; (b) SD505/94; (c) SD363/98.

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(4) In regulations 23(4)(a), 24(4)(a), 28(1) and 31(9)(a) (calculation of estimated net earnings of employed earners, calculation of estimated net earnings of directors, calculation of net profit of self-employed earners, and calculation of notional income respectively) for the word "relief" (in each place) substitute "allowance".

(5) For regulations 23(4)(b), 24(4)(b) and 31(9)(b), (calculation of estimated net earnings of employed earners, calculation of estimated net earnings of directors, and calculation of notional income respectively) substitute -

"where the weekly amount of those earnings exceeds the lower earnings limit, an amount representing primary Class 1 contributions payable under the Contributions and Benefits Act, calculated by applying to the amount which exceeds the lower earnings limit the primary percentage applicable at the date of the claim in accordance with section 8(1)(a) and (b) of that Act; and"

(6) In regulation 36(1) (any refund of income tax deducted from earnings to be treated as capital) after the words "earner" insert the words "or an employed earner".

(7) In regulation 43 (interpretation) -

(a) for the definition of "education authority" substitute -

"education authority" means the Department of Education in the Isle of Man or any analogous government department, authority, board or body in a country outside the Isle of Man;";

(b) for the definition of "student" substitute -

"student" means a person, other than a person who is in receipt of a training allowance, aged less than 19 who is attending a full-time course of advanced education or, as the case may be, a person aged 19 or over but under pensionable age who is attending a full-time course of study at an educational establishment; and for the purposes of this definition a person shall be treated as attending a course of advanced education or, as the case may be, full-time education -

(a) during the period for which any grant or award is paid to him by an education authority for the purpose of such a course, or would be so paid if he were in receipt of such a grant or award; and

(b) during the Christmas, Easter or any other vacation, other than the normal summer vacation as recognised in relation to him by the institution at which he is attending his course, falling within the period of that course;".

(8) For regulation 61 substitute -

**"Restriction on housing costs**

61. The amounts applicable under this Part shall be restricted in accordance with Part II of Schedule 5."

(9) In regulation 62 (reduction in prescribed amounts applicable for certain occupants of the home) -

(a) in paragraph (1) after the words "56 to 60" insert the words ", including those amounts under those regulations which are restricted by regulation 61,";

(b) for paragraph (5)(c) substitute -

"(c) where the claimant, or the partner of the claimant is receiving in respect of himself either -".

(10) In regulation 67 (prevention of duplication of awards etc.) for the words "supplementary benefit" (in each place) substitute "income support".

(11) In Schedule 2 (sums to be disregarded in income other than earnings), in paragraphs 3 and 5(b), for the words "supplementary benefit" (in each place) substitute "income support".

(12) In Schedule 3 (capital to be disregarded), in paragraphs 8(b), 35 and 36, for the words "supplementary benefit" (in each place) substitute "income support".

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Made 18th January 2000

*Alan Christie*

Minister for Health and Social Security

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### EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order, which amends the Family Income Supplement (General) Regulations 1998, is of a technical nature and is made primarily as a result of the change from supplementary benefit to income support. The Regulations also make an amendment consequential to a change in the calculation of National Insurance contributions.